DOCUMENTS ON KASHMIR PROBLEM

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DOCUMENTS ON KASHMIR PROBLEM

Edited By

M.S. Deora
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Introduction

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947, was the result of the growth of national consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this antifeudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency, of 1931 awakened the national aspirations of the Kashmiris, which ultimately helped in the emergence of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and submitted a memorandum to the Cabinet Mission of 1946

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demanding absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India". When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people. . .the rulers of Indian states have always played traitor to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right". The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest whole valley rose in an uprising. On 19 June 1946 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress president that people in Kashmir were grooning under the reign of terror. Mahatama Gandhi visited Kashmir in August 1947 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim comunalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceeded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade and the peoples' militia to defeat the aggression of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyen of nationalism, succeeded in restoring Hindu-Muslim harmony in the

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valley when the rest of India was burning by communal holocast. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah, and the establishment of popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 [S/628]. Pakistan made counter complaint [S/646] but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government". After debate the Security Council passed two resolution [S/651 and S/654]. It appointed a three member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts [S/1100; S/1196, and, S/1430]. Part first of the report contained provisions for a cease fire. Part two dealt with a truce agreement, and Part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 6 January 1949 dealing with the plebiscite. The cease-fire came into effect by 1 January 1949 and a cease-fire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The security Council then appointed mediators. In 1949 General McNaughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite [S/1791]. Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate, however, he suggested a direct negotiation between India and Pakistan. He submitted five reports S/2375, S/2448, S/2611, S/2783 and S/2967.

In July-August 1953 and in May 1955 the Prime Minister of

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both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting any change in the new constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to accept a plebiscite [SCOR, 12th Yr., Mtg. 761]. Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. [SCOR, 12th Yr. Mtgs. 762, 723 and 794]. The Security Council favoured plebiscite by adopting a resolution [S/3739] on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, [S/2821].

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-co-operation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Mookerjee called this policy as "national liability". This non-co-operation was also supported by Jayaprakash Narayan and Acharya Kirpalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion "that there was no middle course between full integration and full autonomy, and as the majority in Kashmir would not accept the first alternative, there was no choice but to accept the second".

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President Yahya Khan banned all the exchange of printe materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogy against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of 1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Haq, Prime Minister Benazir Bhutto. Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications of the Government of India and Pakistan, United Nations

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official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly—and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue Compilers have made an honest attempt to be objective and impartial in compiling, editing and presenting the documents, to prove their authenticity the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library New Delhi for the help rendered to us during our visits there.

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India's White Paper on Jammu and Kashmir

Introduction

The State of Jammu and Kashmir is situated in the extreme north of the Indian sub-continent covering an area of 84,471 square miles, and is the largest of the Indian States. It consists of three Provinces—the Frontier Districts, Kashmir Province, and Jammu Province which includes the Jagirs of Poonch and Chenani. To the north-east it is bordered by Tibet, to the north by Chinese Turkestan (Sinkiang) and to the north-west by the Soviet Republic of Turkestan and Afghanistan. To the West it borders Pakistan and to the South, Pakistan and India.

The country is almost entirely mountainous, and it may be geographically divided into three areas: Tibetan and semi-Tibetan tracts in the north, containing the districts of Ladakh and Gilgit; the middle region of the "Happy Valley" of Kashmir; and the large level areas of Jammu in the South. These three regions are divided from each other by the snow-bound outer Himalayan ranges.

Srinagar is the summer, and Jammu, the winter capital of the State. The Jhelum Valley road connects Srinagar with Pakistan *via* Rawalpindi and Abbottabad. The Banihal Road

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provides a link between Srinagar and Jammu over the Banihal Pass. From Jammu one road leads to Sialkot in the Pakistan Province of the West Punjab, and another to Pathankot in the East Punjab (India).

According to the census of 1941, the total population of the State was 4,021,616. This was made up of Muslims 77.11 per cen.; Hindus 20.12 per cent.; Sikhs, Buddhists and others 2.77 per cent. The majority of the Hindus are found in Jammu district, and Srinagar city also has a fairly large Hindu population.

The present dynasty, represented by Maharaja Sir Hari Singh, has ruled the Jammu and Kashmir State, as at present constituted, for just over a hundred years, by virtue of the Treaty of Amritsar of 1846, concluded by Raja Gulab Singh with the British. At that time Gulab Singh held Jammu, Ladakh and Baluchistan; while Kashmir and Gilgit were under the Sikh rulers of Lahore. With the defeat of the Sikhs in the Punjab by British forces; the Kashmir and Gilgit territories held by them were transferred to the present dynasty. According to the Imperial Gazetteer, "The general and practical result, therefore, of the Treaty of Amritsar was to confirm Gulab Singh in what he already possessed, and to transfer to him the Province of Kashmir with its newly acquired authority over Gilgit."

PART I

EVENTS LEADING UP TO THE ACCESSION OF JAMMU AND KASHMIR TO INDIA

Jammu and Kashmir, until August 15th, 1947, was an autonomous State in treaty relations with, and subject to the Paramountcy of, the Crown of England. Like other Indian States, it had, however, no international existence. On that date, the Indian Independence Act came into force, and the new Dominions of India and Pakistan came into being. The Indian States became free to decide whether they would accede to one or the other of the two Dominions. The position of the Indian States on the transfer of power was made clear in His

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Majesty's Government's Declaration of June 3rd, 1947, supplemented by the Statement issued by the British Cabinet Mission on May 16th, 1946. A large number of States acceded to the Dominion of India, and copies of the Instrument of Accession, as well as of the Standstill Agreement governing the administrative arrangements between the States and the Government of India until the new Constitution should come into force in India, are appended. The State of Jammu and Kashmir announced its intention of negotiating Standstill Agreements with both India and Pakistan. In fact, however, the State signed a Standstill Agreement only with Pakistan and entered into no agreement with the Government of India, prior to its accession on October 26th, 1947.

The object of the Standstill Agreement was to provide for the continuance of economic and administrative relations between the State and Pakistan on the same basis as had existed before the creation of the new Dominions. Nevertheless, in an effort to coerce the State into accession to Pakistan, the Pakistan authorities cut off supplies to Kashmir of food, petrol and other essential commodities, and hindered the free transit of travellers between Kashmir and Pakistan. Economic pressure was thus applied simultaneously with military pressure in the form of border raids. Conditions in the State were made more difficult by the communal disturbances which broke out in the two Punjabs after the announcement of the partition. There was a large influx of refugees into the Southern districts of the State, and the State became a channel for the passage of Muslim refugees moving from East Punjab to West Punjab and for non-Muslims moving in the opposite direction.

Preliminaries to the invasion of Kashmir and Jammu, which finally decided the Maharaja and his people to accede to the Indian Dominion, began soon after the partition on August 15th. On the 29th of August, 1947, the Maharaja of Kashmir received a telegram from one Raja Yaqub Khan on behalf of the public of Hazara, alleging attacks on Muslims in Poonch, and informing him that the Hazara Muslims were "much perturbed". The telegram continued "We are ready to enter the State fully equipped to fight with your Forces. You are requested to ease the situation soon, otherwise be ready to bear the

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consequences". Throughout the month of September, reports of infiltration into the State territory from the border districts of Pakistan continued to come in. The State Government made representations to the authorities of those districts. The representations brought denials, but no action. On the 31st of August 1947, Major-General Scott, General Officer Commanding, Jammu and Kashmir State Forces, submitted a report regarding the situation in the State. About Poonch he said "Damaged communications. Telegraph and wireless under repair. Hostile casualties 20 to 50". He continued "Army action to be confined to maintaining order and arresting persons known or suspected of rioting, looting, murder or inciting. No reason to think that troops had acted otherwise". He also reported "situation in Hazara and Rawalpindi areas very unsatisfactory. There is little doubt that the recent disturbances in Bagh Tehsil were led by armed gangs from Pakistan. Exaggerated reports of events in Poonch circulated in these Pakistan districts in which State troops are cited as the aggressors. Possibility, even probability, of further intervention in much greater force must be provided against". On the 4th of September, Major-General Scott reported that "500 hostile tribesmen wearing green and Khaki uniform, and leather and web equipment" were seen. A protest in the following terms was made direct to the Pakistan Army and to General O. de T. Lovett, Officer Commanding 7th Infantry Division. "Gangs sattis armed estimated 200 to 300 from Tehsils Kahuta and Murree (both in Pakistan) raiding State territory for loot, murder, and crossing Jehlum river in area Panjar and seven miles north and south of Owen Ferry. Please take immediate action to prevent and recall". On the 12th of September, Major-General Scott reported that "Quiet and confidence was being restored in Poonch Jagir". However, early in October, activities by armed men in uniform in various districts of Poonch were again reported, On the 4th of October, raiders armed with Tommy-guns were reported in the Chirala area, and more raiders were seen passing to the Jhelum river. Fighting was also reported between the raiders and States Forces from Bagh in the Rawalkot area.

Similar activity was observed in Mirpur. Fort Owen was

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besieged and was evacuated by State troops on the 15th of October. Four to five thousand raiders in green uniforms were observed. On the 18th October, the Kotli-Poonch road was breached and heavy fighting took place. From Bhimbhar, large scale offensive preparation across the border in Pakistan, including movement of lorries, was seen. On the 20th of October, the Wazir of Mirpur sent a message that armed men were gathering opposite Chechiam and Mangla. On the 22nd, he reported that raids on Owen were being methodically carried out. On the 23rd of October, heavy fighting was reported from Kotli which had, by now, been completely cut off from Poonch by road blocks put up by the "raiders".

On the 24th of October, 1947, the Government of India received the first request for military aid from the Government of the Jammu and Kashmir State. At that time the Government of India had no agreement, military or political, with the State. A document signed by the British Chiefs of Staff of the Indian Armed Forces states that on the 24th of October information of the capture of Muzaffarabad was received by the Commander-in-Chief in India. No plans for sending troops to Kashmir had up to that time been considered by the Indian Army. On the 25th the Government of India directed the preparation of plans for sending troops to Kashmir by air and road. Indian troops were sent to Kashmir by air on the 27th, following the signing of the Instrument of Accession on the previous night.

The accession was legally made by the Maharaja of Kashmir, and this step was taken on the advice of Sheikh Abdullah, leader of the All-Jammu and Kashmir National Conference, the political party commanding the widest popular support in the State. Nevertheless, in accepting the accession, the Government of India made it clear that they would regard it as purely provisional until such time as the will of the people of the State could be ascertained.

PART II

THE INVASION

The main attack on State territory began in the third week

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of October. Major Khurshid Anver, who led the frontier tribesmen in the attack on Srinagar, describes the strategy of this attack. In an interview to the *Dawn* newspaper (Karachi) reported on December 7th, he said that the attack on Kashmir was originally planned from two sides—one from the regions adjoining Kashmir State and the tribal belt that is on the West, and the other from the border districts to the Southern Pakistan. 'D' day was actually fixed for October 21st, but the attack could not be launched till the next day. Major Anver then describes the progress towards Srinagar along the Kohala-Baramula road. The main column made considerable progress on the Kohala-Baramula road, fanning out and devastating the villages and towns on either side. Uri fell to the radiers, and on October 27th or 28th they captured Baramula, and indulged in an orgy of rape, arson and looting. Women were abducted, and a large number are held in a concentration camp at Alibeg in terrible conditions. Alibeg is in Kashmir State territory and is run by the "Azad Kashmir Government". Originally it had over a thousand Kashmiri women of all religions. Of these only a couple of hundred have survived. The road to Srinagar now lay open before the raiders.

Faced with this threat, the Maharaja of Kashmir approached the Government of India for assistance on the 24th of October. On the 26th, the State formally acceded to India. On October 27th, the first contingent of Indian airborne troops landed in Srinagar in the morning. However, it is not until reinforcements had arrived that the Indian troops could attack the raiders who had advanced to Pattan, only 17 miles from Srinagar. On November 8th, assisted by armoured vehicles and planes of the Royal Indian Air Force, Indian troops recaptured Baramula. They found the town completely ruined. An account of the raiders' activities in Baramula will be found in the Documents appended. Continuing their advance along the difficult road from Baramula to Uri, Indian troops found the Mahoora Power House, which supplied the whole of the Srinagar valley with electricity, efficiently wrecked by the raiders. Indian troops captured Uri on November 15th, and removed any serious threat to Srinagar and the surrounding valley. This can be regarded as the end of the first stage of the Kashmir operations.

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The second task of the Indian troops was to free large areas in Jammu Province which had been overrun by the tribesmen. The latter had surrounded the towns of Mirpur, Kotli, Poonch, Jhanger, Nowshehra and Bhimbhar. Within the towns small State garrison were holding out. Winter having set in, Indian troops could advance only slowly on the narrow, fair-weather roads connecting Jammu City with these areas. Nowshehra, Jhanger and Kotli were relieved but the Mirpur garrison could not be helped, and finally part of the garrison managed to fight its way out with some of the civilian refugees. In the third week of December, over 5,000 raiders stormed Jhanger which was held by about 200 Indian troops. Encouraged by this local success, the raiders attacked Nowshehra in force, but were beaten back. Since then, Indian troops have been clearing the surrounding area of the raiders. They have succeeded in widening their perimeter of operations and are carrying out offensive patrols to clear the countryside of raiders and protect their own lines of communication. Recent operations around Nowshehra have shown that the composition of the attacking force is approximately as follows:

70 per cent. Pathans and Muslims from Dir and Swat States;

20 per cent. deserters from State Forces;

5 per cent. from Poonch and 5 per cent. Sundas.

These figures have been calculated from dead bodies counted by the Indian Army. At present some 86,000 to 88,000 Pathans are engaged in the "Jehad". Of these 73,000 to 75,000 are concentrated in various centres in Pakistan and approximately 13,000 are engaged in Kashmir.

Concentrations of Pathans in Pakistan are reliably understood to be as follows.

Abbottabad	6,000—8,000
Kohat Pass	10,000
Rawalpindi	5,000
Sargodha	7,500
Gujjarkhana	4,000

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Jhelum	5,000
Gujerat	10,000
Wazirabad	8,000
Chak Avnru	2,200
Sialkot	3,500
Nirala Head	2,000
Shakergarh	700
Chak Sukho	200
Wagah	200
Lahore	3,000
Chak Pundara-Saboti	8,000
Approximate Total	73,000—75,000

Indian troops in Kashmir are not, as is believed in some quarters, composed only or mainly of Sikh troops. There are a certain number of them, as the Indian Army includes men from all religions and castes, including Muslims. Among the Indian troops operating in Kashmir are men drawn from the Mahratta, Madrasi, Kumaoni, Mahar, Rajput, Garhwali, Dogra, Jat, Ahir and other regiments. One of our most successful officers in the campaign has been a Moslem, Brigadier Osman. Since Indian troops arrived in Kashmir and Jammu, they have carried out their instructions of promoting and maintaining communal harmony. The Indian Air Force has played a notable part in reconnaissance, the supply and transport and in offensive support of our troops.

As has been stated by the Prime Minister of India on numerous occasions, the task of Indian troops is to clear the raiders from, and restore peace to Kashmir, as this is necessary to the holding of a plebiscite or a referendum by the people of Kashmir to decide finally as to which dominion they will accede. Indian troops are continuing to fulfil this task.

PART III

COMPLICITY OF PAKISTAN IN THE INVASION OF KASHMIR

There is abundant circumstancial evidence to show that

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Pakistan has aided and abetted the "Tribal invasion of Kashmir and Jammu. Both official and un-official organisations are implicated, though the Pakistan Government has officially disowned the invaders operating from bases in its territory. Pakistan's Foreign Minister, Sir Mohd. Zaffrullah Khan, has expressed before the Security Council the inability of his Government to prevent attacks on Kashmir and Jammu, legally part of the Indian Union.

2. This evidence of complicity is based on moral and material aid, on assistance both active and passive given to raiders, in Pakistan.

3. There are some 13,000 Pathans operating in Kashmir today, and they include Waziris, Mahsuds and Mohmands. In Pakistan there are approximately 75,000 tribesmen, concentrated in Punjab districts, many of them bordering on Kashmir or Jammu.

4. Many of the invading tribesmen were recruited by officials of the North-West Frontier Province Government and incited to "Jehad" by the Premier of the Province, ably assisted by the Pirs of Manki Sharif and of Wana, and various Maliks. Tribesmen are collected and harangued with tales of Dogra atrocities on the Muslim inhabitants of Kashmir. The Pir of Wana, for example, one of the most successful recruiting agents, after addressing tribesmen feasts them, and then sends them to meet the Deputy Commissioner of Dera Ismail Khan. Having been addressed by the Deputy Commissioner, the tribesmen visit the Superintendent of Police, Dera Ismail Khan and pick up rifles and ammunition. Thus armed they return to the Pir who again speaks to them. Next day, incited to war and tempted by promises of loot in Kashmir, they leave in lorries for their bases.

5. In addition to these acts of official connivance, leaders of the Muslim League party openly canvass aid for the raiders. Meetings are held in the main towns, and, addressed by the local leaders as well as members of the "Provincial Government" of Kashmir and Jammu. These facts are based on information gathered form independent news reports by British and American correspondents as well as from other reliable

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sources. Some of these press reports are appended to these papers.

6. At a press conference at Peshawar on the 1st of November, the Premier of the N. W.F.P., Khan Abdul Qayum Khan, appealed to the Arab League to call a Pan-Islamic Conference to meet the common danger to Islam which had arisen with the Indian Dominion's "Invasion of Kashmir" He continued that Muslims did not recognise that there was any difference between the Muslims of Pakistan and those of Afghanistan, Iran or any other Muslim country of the world. He added that the time had come when they should rise or fall together. Referring to Kashmir, he said that the Muslim nation had been outraged by the action taken by the Maharaja of Kashmir in acceding to the Indian Dominion. He urged the Pakistan Government to recognise the Provincial Azad Government. In a press statement issued two days earlier, the Premier of the N. W.F.P. had declared that the Pathans were determined to die to the last man for Kashmir, which was a Muslim majority State and "belonged to Pakistan as a matter of right". He appealed to every Muslim in Pakistan "to get ready to face the situation". He said that the Pathans would not allow that "invasion" of Kashmir by India. "I can give this assurance with confidence because I have got my hands on the pulse of the Pathans of the tribal areas and the N. W.F.P."

7. Communiques of the "Provisional Kashmir Government" are broadcast by the Pakistan radio, which is a Government organisation and inflammatory statements designed to assist the raiders are also used. The Pakistan Press publishes communiques of the Indian Government under the headline Enemy Version".

8. A large proportion of the raiders comes from the Frontier Province and tribal areas. They do not come in driblets but travel hundreds of miles through Pakistan in large groups along the main roads, and over bridges guarded by Pakistan troops.

9. The daily attacks on Kashmir and Jammu are launched from bases which are without question in Pakistan. Rawalpindi is one of the main centres and the head of the Azad Provisional

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Government has offices there. Many of these raiders are concentrated in various towns in Pakistan: Sargodha with about 7,500, Abbottabad with 6,000 to 8,000, Wazirabad with 8,000 and Jhelum with 5,000. These serve as supply depots and training centres. Here the raiders rest and recuperate, replenish their supplies and sell women and other loot captured in the raids. Wounded raiders are also treated in hospital and dispensaries in these towns. It is not without significance that some of these towns are important Cantonments of the Pakistan Army.

10. In transit through Pakistan the raiders are assisted with the supply of transport and petrol. Neither the lorries nor the fuel could possibly be available to the tribesmen except through the knowledge and assistance of officials of the Pakistan Government. Petrol is a rationed commodity, and has to be supplied against coupons issued by district officials. While civilians in Pakistan find it difficult to obtain petrol, there is no difficulty so far as the tribesmen are concerned. In the N. W.F.P., the export and movement of motor vehicle is regulated under Section 3 of the N. W.F.P. Essential Articles Control (Temporary Powers) Act of 1947. Transportation of motor vehicles, other than those used by the Military, is not allowed except on permits issued by the Director of Civil Supplies. Vehicles belonging to the raiders have been found to have Pakistan number plates; those damaged in action have been observed under repair in workshops in Rawalpindi.

11. Much of the modern equipment used by the raiders cannot be of tribal manufacture and must come from Military stores of the Pakistan Government. The raiders' armoury includes light machine-guns, mortars, mines, signal equipment and wireless sets with batteries. These have been used in quantities far exceeding those lost by the Indian and Kashmir State Forces. As the fighting in Kashmir has progressed, the numbers of raider has increased and the quality of their equipment has improved. Radio messages from the raiders' advanced bases asking for supplies of food and ammunition have been intercepted. The codes employed in these messages are among those used by the Indian Army before partition. These codes are in the possession of the Pakistan Army and were never

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published. Furthermore, tribesmen and peasants would not have the necessary technical skill to operate wireless transmitters.

12. From the tactics employed in the fighting it is evident that the raiders have received training in modern methods of warfare. Soldiers of the Indian Army have identified former comrades, now serving in the Pakistan Forces, among the raiders. It is known that Pakistan Army personnel, ostensibly on leave, are fighting with the raiders.

PART IV

INDIA'S OBJECTIVES

In Kashmir, as in other similar cases, the view of the Goverment of India has been that in the matter of disputed accession the will of the people must prevail. It was for this reason that they accepted only on a provisional basis the offer of the Ruler to accede to India, backed though it was by the most important political organization in the State.

2. The question of accession is to be decided finally in a free plebiscite; on this point there is no dispute. It is, however, impossible to hold a plebiscite so long as the State is infested by freebooters from outside. The only purpose for which Indian troops are operating in Kashmir is to ensure that the vote of the people will not be subject to coercion by tribesmen and others from across the border who have no right to be in Kashmir. Since the State is now part of India, these troops have a legal and a moral obligation to defend it. Nevertheless they will be progressively reduced after the raiders have left State territory normal conditions have been restored and the risk of recurrence of aggression from outside has ceased. As the Government of India have repeatedly made clear, there is to be no victimization of any native of the State, whatever his political views or affiliations may be, and no Kashmiri will be deprived of the right to vote.

3. Form the first, the Government of India have been concerned to emphasise these objectives, and it was to this end that they repeatedly invited representatives of Pakistan to

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discuss the matter with them. When efforts to secure a satisfactory settlement by direct negotiation with Pakistan had failed and the activities of large numbers of tribesmen in Pakistan, aided and abetted by Pakistan, intensified the military pressure on Jammu and Kashmir State and became a threat to India itself, the Government of India, as a last resort, appealed to the Security Council of the United Nations to call upon Pakistan to cease its unneutral action in the interests of peace between the two countries.

PART I

DOCUMENTS

(1)

Karachi, December 7th.—Major Khurshid Anver, the 42 year-old Naib-Salare-e-Aala, Muslim League National Guards, who led the Frontier tribesmen in the attack on Srinagar, in an exclusive interview to *Dawn* on Saturday gave a graphic description of how the attack was conducted and the reasons for the withdrawal of the tribesmen from Srinagar.

Major Khurshid Anver was very bitter against the Pakistan Government for not having rendered any assistance to the tribesmen in their heroic bid to capture Srinagar.

He was of the opinion that given the necessary arms and ammunition, the tribesmen would sweep the whole State within a few days.

Major Anver said he was organising the tribesmen and that he hoped to have a standing army of 200,000 within a period of six months.

Giving a resume of the Kashmir campaign, Major Anver said that the attack on Kashmir was originally planned from two side—one from the regions adjoining Kashmir State in the tribal belt* and the other from the Pakistan border. While the frontier tribesmen's attack materialized the other one did not.

* (also in Pakistan).
Dawn—the leading Muslim League daily newspaper.

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owing to various obstructions placed by the Pakistan Government in the way of the attackers.

The "D" day was actually fixed for October 21st, but the attack could not be launched till the next day. The disposition of the 4,000 men at the disposal of Major Anver was arranged by him in the following manner:—from Garhi Habibullah one detachment of 500 men and another of 450 men were moved in parallel columns towards Garhi, a place east of Domel and Bhatika respectively. The main column of 2,000 men moved with Major Anver on the road to Muzaffarabad. Three detachments of 200 men each were deputed to attack from the Western side, after crossing the river Jhelum on the northern side of the Kohala bridge. The remaining few hundreds were to cross the river on the southern side of the Kohala bridge and contact the three detachments attacking from the West. The main column met with slight opposition at Ramkot on the road to Muzaffarabad.

The first stiff opposition they met was at Muzaffarabad where there was a full battalion of Dogra troops stationed between Muzaffarabad and Domel. The bridge between Muzuffarabad and Domel was an important link, which if blown up would have been the end of the offensive. The tribesmen cleverly captured the bridge and then set up a picket on the Muzuffarabad side of the bridge from where they attacked the Domel garrison with gunfire.

After a daylong fight they captured Domel on the evening of October 23rd. Some of the Kashmir State troops escaped up the hills. The next two days witnessed the fall of Garhi, a place about 25 miles south-east of Domel, and Chinari, another 25 miles down the road to Srinagar.

On November 26th, the main column had moved up from Chinari towards Uri. It was at Uri that they encountered the first Sikh Regiment of Patiala State. The tribesmen routed these Sikh soldiers also, who on their retreat blew up the bridge controlling the roads to Poonch as well as Srinagar. The next two days were spent in diversion from the bridge towards Mahoora, where there was a big power house.

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It was at Mahoora that the *Daily Express* correspondent, Sydney Smith, and another Englishman were captured by the tribesmen. Major Anver arranged for them a safe return to Abbottabad. Major Anver had been leaving behind some of his men at the various places to hold the conquered positions.

The detachments which he had sent got stuck up near Garhi and could not contact the main column. The result was that the main column was being depleted every day.

It was with a few hundred veterans that the attack on Pattan was made on October 31st. Here they encountered air bombing by Indian Union planes and machine-gunning by fighters. The tribesmen lost heavily in transport, vehicles and ammunition. Pattan was, however, captured, but it was considered absolutely impossible to proceed on the straight road to Srinagar.

Leaving behind Major Aslam at Pattan, Major Anver with a small force of 250 men took a circuitous route to Srinagar *via* Aehhgam. He had to leave behind 230 men on the way and with only 20 men he reached Achhgam, a village about a mile from Srinagar airfield and about six miles from the city. At Achhgam, there were three battalions of the Kumaon Regiment and Major Anver and his men, acting on the principle "discretion is the better part of valour", hid themselves in the adjoining fields. The Indian Union troops had got scent of their presence and they arranged six pickets on the top of the hill overlooking Achhgam and Birgaum, another adjoining village. The valiant 20 managed to get into a double-storeyed house in Birgaum. Six were deputed to shoot at those manning the machine guns on the top of the hill, the moment any gunner showed up. A party of 11 men with Major Anver went up the hill during the dark hours of the night and thre hand-grenades on the pickets blowing up three of the pickets.

Flushed with this unexpected victory, the Major now thought of an immediate dash to the airfield. But his forces at Pattan having failed to come up, he thought it would be dangerous to stay long in Birgaum as the enemy could at any moment return with reinforcements from the airfield. So Major

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Anver returned to Pattan only to find that it was in the hands of the enemy and that his forces had withdrawn.

He went to Baramula, got reinforcements and re-attacked Pattan and recaptured it on November 5th. By this time he had about 2,000 men again under his command. On November 5th and 6th there were indecisive skirmishes on the outskirts of Srinagar. But, in the meantime armoured car units of the Indian Union had arrived and air offensive was launched in full strength. The tribesmen suffered casualties and they could not even pick up their dead. The Mountain Battery of the Indian Union had reached Srinagar and the tribesmen had to retreat. As the stretch of territory from Baramula to Pattan was open country, they withdrew to Uri destroying a bridge near Ramput, thus cutting off the enemy from Uri. Baramula was now the operational base of the State and Indian Union Forces.

It was on November 10th that Major Anver was hit in the calf by a splinter from a bomb dropped by the Indian bombers. While his driver was saved, his orderly, who was also in the same vehicle, died. He was later removed to Abbottabad for an operation and Colonel Akbar took over the command.

Thereafter, the Major said with a heavy sigh, a new chapter started. All the tribesmen were withdrawn. Some tribesmen returned home while others were still engaged in fighting on the Poonch front.

Major Anver is in Karachi for treatment. (*Dawn*).

(2)

COPY OF A REPORT SUBMITTED BY THE CHIEF OF THE STAFF, JAMMU AND KASHMIR STATE FORCES, MAJOR-GENERAL SCOTT, ON 4TH SEPTEMBER 1947, TO THE DEPUTY PRIME MINISTER OF THE STATE.

Reliable reports state that on the 2nd and 3rd September 1947 a band of up to 400 armed Sattis—Muslim residents mainly in Kahuta Tehsil of Rawalpindi District—were infiltrating into the State over the river Jhelum from Pakistan in the area of Owen (map reference sheet 43/G/10—649508) eleven

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miles east of Kahuta. Their purpose is looting and attacking minority communities in the State.

Could the Government of Pakistan be asked by urgent telegram to take action to force return of these raiders to the west bank Jhelum river and to prevent further incursions into the State from the Rawalpindi and Hazara Districts.

(3)

TELEGRAM, DATED 4TH SEPTEMBER 1947, SENT BY THE PRIME MINISTER, KASHMIR, TO PRIME MINISTER, WEST PUNJAB, LAHORE.

Nearly 400 armed Sattis Muslims residents mainly of Kahuta Tehsil, Rawalpindi District, reliably reported infiltrating fully armed into the State over river Jhelum eleven miles east of Kahuta. Ostentatiously their purpose is to loot and attack minority communities in the State. His Highness' Government consider this encroachment highly detrimental to maintenance of peaceful relations unless prompt action is taken to force these people back and to prevent further encroachments of this nature. His Highness' Government think that these people are probably unaware of the equal treatment being accorded to all State subjects and of actual help, protection and guarantee of safe passage through the State being extended at the moment to countless Muslim refugees coming over from Shakargarh on their way to West Punjab. Grateful if the above is also brought home to the people of the tract to which intruders belong. Immediate action essential. Intimation of action taken may kindly be given.

A copy of the above telegram was also repeated to the Deputy Commissioner, Rawalpindi.

(4)

TELEGRAM, DATED 6TH SEPTEMBER 1947, FROM THE DEPUTY COMMISSIONER, RAWALPINDI, TO THE PRIME MINISTER, SRINAGAR.

Reference your telegram concerning infiltration of armed

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persons into your territory from Rawalpindi District. I have personally visited Kahuta and have made enquieris from officials of Gujarkhan Tehsil. Your information completely wrong. No infiltration has been seen by any of my officers or village officials anywhere at various points. I do not expect any trouble of any kind. I shall be glad to take action if you are able to furnish anything specific at any time.

(5)

TELEGRAM, DATED 9TH SEPTEMBER 1947, FROM THE PRIME MINISTER, KASHMIR, TO THE DEPUTY COMMISSIONER RAWALPINDI.

Your telegram of 6th. Grateful for prompt reply and assurance given. Hope you would agree infiltration is effected more by secret movement than openly and people concerned could only be detected in the territory in which they have infiltrated for operation by officers specially deputed to find them out. Information given to you was based on the observation of responsible military officers.

(6)

Jammu, September 23rd.—The Government of Jammu and Kashmir in a communique says that the report published in a section of the Press that Kashmir State had decided to join the Indian Union is "unauthentic".

The communique adds: The position conveyed in a Press Communique issued on August 12th that standstill agreements with both Dominions will be entered into holds good."—A.P.I.

(7)

COPY OF A TELEGRAM, DATED 2ND OCTOBER 1947, FROM FOREIGN MINISTER, KARACHI, TO THE PRIME MINISTER, SRINAGAR.

We are willing to do everything we can and are indeed taking steps to see that Kashmir is supplied with essential commodities of which it is in need. It must however be appreciated that certain difficulties stand in our way. Drivers of

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lorries are for instance, reluctant to carry supplies between Rawalpindi and Kohala and it is impossible for us to spare troops for this escort. The Government of Pakistan are seriously concerned about reports reaching them to the effect that armed Sikhs are infiltrating into Kashmir State. We would once again impress upon you the need for representatives of Governments of Pakistan and Kashmir to meet and consider the question of supplies, the infiltration of these armed Sikhs, and other outstanding questions, we leave it to you to suggest the venue of this meeting.

(8)

TELEGRAM, DATED 3RD OCTOBER 1947, FROM THE MINISTER, EXTERNAL AFFAIRS, JAMMU AND KASHMIR, SRINAGAR, TO FOREIGN, KARACHI.

Your telegram. Grateful for information supplied. Hope you would agree that guarantee to let commodities come in undisturbed will really mean nothing if not accompanied by measures to enable goods to get through. Visitors anxious to return to their homes in the plains suffering mostly for want of petrol. Military escort for taking European families now here could have escorted petrol supply if local authorities had so desired. Government emphatically contradicts news of Sikhs infiltering in Kashmir State. As already intimated armed people from Rawalpindi, Jhelum and Sialkot raiding State territory. Hundreds of armed people from Murree Hills are operating in Poonch. Government shall be grateful if this effectively put a stop to immediately. Government considers essential that its complaints be removed at once while being equally willing as Pakistan to settle outstanding problems at the earliest.

(9)

DETAILS OF THE SUPPLIES WITHHELD

1. Rice April-May, July-August quota total price, . . . Rs. 6,01,000

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Only out of April quota 400 tons received.
Rest withheld.

2. Supplies for Gram withheld as also 17,000 maunds wheat, two months' quota.

3. Cloth 189 bales lying at Rawalpindi not allowed to be brought in.

4. Salt—ten waggons at Rawalpindi not allowed. Some of these goods were stopped at the Octroi Post.

5. Petrol one tanker returned from the Customs post, Kohala. Almost entire quota of 384, 100 gallons withheld.

(Facts supplied by Jammu and Kashmir State Government.)

(10)

COPY OF A TELEGRAM, DATED 6TH OCTOBER 1947, FROM FOREIGN, KARACHI, TO PRIME MINISTER, SRINAGAR

Reference correspondence resting with your telegram No. 73/C.C. of 3rd October, we are sending Major Shah, Joint Secretary, Ministry of Foreign Affairs, to Sirnagar, immediately to discuss the whole question with a view to arriving at satisfactory solution. Major Shah leaving for Lahore by air on Wednesday.

(11)

TELEGRAM 76/C.C., DATED 8TH OCTOBER 1947, FROM THE PRIME MINISTER, SRINAGAR, TO (1) FOREIGN, PAKISTAN, CAMP LAHORE, AND (2) MAJOR SHAH, UNDER SECRETARY, PAKISTAN, CARE PREMIER, LAHORE

Grateful for telegram, dated 6th October, intimating Major Shah's deputation. Kindly refer to the concluding portion of my telegram of 3rd to which yours is a reply. Government extermely busy in dealing with disturbances caused by armed people infiltering unchecked from Pakistan Dominion portion of Hazara and Murree into Poonch. Shall gladly discuss matters when this trouble is controlled. Your Government can keep your

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people in check if so desired. This Government will appreciate if this is done. Telegraphed to Foreign, Pakistan Camp, Lahore, and repeated to Major Shah, Under Secretary, Pakistan, Care Premier, Lahore.

(12)

CABLEGRAM, DATED 7TH OCTOBER 1947, FROM THE PRIME MINISTER, JAMMU AND KASHMIR, DELHI, TO THE RIGHT HON'BLE THE PRIME MINISTER, UNITED KINGDOM, LONDON (ENGLAND)

His Highness, Government of Jammu and Kashmir (India) desires to bring to the notice of His Majesty's Government the attitude of the Pakistan Dominion. From the fifteenth August 1947 the Jammu and Kashmir Government intimated to the Pakistan Dominion that pending execution of formal Standstill Agreements the arrangements existing with the British Indian Government may continue. The Pakistan Dominion agreed to this. Under these arrangements amongst other things supplies of petrol, essential articles of food and generally, commerce, trade and banking facilities were to continue unaltered. Immediately after this consent supplies began to decrease leading eventually to almost a discontinuance of the same. As the requirements decreased, the virulence of the Pakistan controlled press and radio increased, not only giving to the world false and malicious news but even allowing threats of invasion from its own people with a view to coerce the State to decide in favour of joining the Pakistan Dominion. To surpass all it is actually conniving at the influx of its armed people into Poonch Jagir area of the State. People all along the border from one end of the common boundary to the other have been licensed and armed with modern weapons under the pretext of general policy which does not appear to have been followed in the case of internal districts of West Punjab. There was still lesser reason for apprehending any danger from Kashmir as the policy of this Government has been to afford protection to the Muslim refugees about one hundred thousand of whom have been given safe conduct to their new abodes in Pakistan. On the other hand a party of over two hundred State subjects sent from Rawalpindi at the request of the State has practically

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been wiped out and no non-Muslim from the State can pass through Pakistan. Railway service from Sialkot to Jammu has been stopped since August fifteenth without any reason as there has never been any impediment caused in its running by the people of the State. Whereas Military escorts are made available for several other purposes none is provided for safe transit of petrol and other essentials of life. Protests merely elicit promises which are never implemented. As a result of obvious connivance of the Pakistan Government the whole of the border from Gurdaspur side up to Gilgit is threatened with invasion which has actually begun in Poonch. It is requested that the Dominion of Pakistan may be advised to deal fairly with Jammu and Kashmir State and adopt a course of conduct which may be consistent with the good name and prestige of the Commonwealth of which it claims to be a member. As message if sent from Srinagar not likely reach through Pakistan it is being cabled from Delhi.

(13)

TELEGRAM, DATED 18TH OCTOBER, SENT TO (1) PREMIER, PAKISTAN DOMINION, KARACHI, AND (2) HIS EXCELLENCY THE GOVERNOR-GENERAL, PAKISTAN, KARACHI.

Ever since August fifteenth even in spite of agreement to observe Stand still Agreements on matters on which agreements existed on August 14th with British India increasing difficulties have been felt not only with regard to supplies from West Punjab of petrol, oils, food, salt, sugar and cloth. Working of postal system has been most detrimental to people as well as the administration. Saving Bank Accounts refused to be operated. Postal Certificates not cashed. Cheques by Branches here of West Punjab Banks not honoured even Imperial Bank Branch put hard to meet obligations owing failure of remittances from Lahore currency office. Motor vehicles registered in the State have been held up at Rawalpindi. Railway traffic from Sialkot to Jammu has been discontinued. While the State has afforded safe passage to about one lakh Muslim refugees from Pathankot to Siallot the Rawalpindi people have murdered and wounded in cold blood over 180 out of party of 220

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Kashmiri nationals being conveyed to Kohala at State's request. People armed with modern longrange firearms have infiltered in thousands in Poonch and committed horrors on non-Muslims murdering maiming looting them and burning their houses as well as kidnapping women. Instead co-operation asked for through every possible local as well as Provincial authorities and Central authority paper promises made have not been actually followed by more rigorous action than before. Press and Radio of Pakistan appear actually to have been licensed to pour volumes of fallacious libellous and false propaganda. Smaller feudatory States have been prompted to threaten even armed interference into the State. Even private people in Pakistan are allowed to wire unbearable threats without any check by the Pakistan Dominion Post Offices. To crown all the State is being blamed for acts which actually are being committed by Pakistan people. Villages are being raided from Sialkot end in addition to actual infiltration in Poonch. The Government cannot but conclude that all is being done with the knowledge and connivance of local authorities. The Government also trusts that it would be admitted that these acts are extremely unfriendly if not actually bordering on inimical. Finally the Government wish to make it plain that it is not possible to tolerate this attitude longer without grave consequences to the life, property of the people which it is sacredly bound to defend at all costs. The Government even now hopes that you would personally look into the matter and put a stop to all the iniquities which are being perpetrated. If unfortunately this request is not heeded the Government fully hope that you would agree that it would be justified in asking for friendly assistance and oppose trespass on its fundamental rights. Telegraphed to His Excellency the Governor-General, Pakistan, and repeated to Premier, Pakistan Dominion.

(14)

COPY OF A TELEGRAM, DATED 19TH OCTOBER 1947, FROM FOREIGN MINISTER, KARACHI, TO THE PRIME MINISTER, KASHMIR AND JAMMU STATE, SRINAGAR.

We are surprised at the contents and tone of your telegram,

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dated 18th October 1947. Instead of taking immediate and effective action in regard to specific complaints made by us in our telegrams, dated 12th October, You have put forward vague allegations of infiltrating by people of Pakistan into Kashmir and have accused the border people of manufacturing bad relations. We emphatically and categorically deny the allegations and accusations. People travel to and from between Kashmir and Pakistan in the normal course of business but the allegations regarding the free distribution of arms and ammunitions to Pakistan area adjoining the State borders and the infiltration of armed men into State territory are incorrect. On the other hand there is mounting evidence of ruthless oppression of Muslims in Kashmir State and of raids into Pakistan territory by armed Dogra gangs and non-Muslim refugees from the Punjab. The most recent report is that of an attack on Chamna Khurd village by Dogra Army personnel where they exchanged fire with the Police killing the Head Constable. Large numbers of armed Sikhs as well as Hindus belonging to the Rashtriya Sevak Sangh have gone to Kashmir with the object of repeating the tactics they followed in East Punjab to kill terrorise and drive out Muslims. In fact exodus of Muslims from the State has already started. The Pakistan Government must take a most serious view of a state of affairs in which the Muslims in Kashmir are suppressed and forcibly driven out.

We are astonished to hear your threat to ask for assistance. Presumably meaning thereby assistance from an outside power. The only object of this intervention by an outside power secured by you would be to complete the process of suppressing the Muslims to enable you to join the Indian Dominion as *coup d'etat* against the declared and well-known will of the Mussalmans and others who from 85 per cent of the population of your State. We must earnestly draw your attention to the fact that if this policy is not changed and the preparations and the measures that you are now taking in implementing this policy are not stopped the gravest consequences will follow for which you alone will be held responsible.

As regards the alleged action of the West Punjab Government in blocking the passage of petrol cloth and food and in stoppage of transport we have already informed you that the

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West Punjab Government have been asked to provide you with all reasonable assistance in these matters. It is entirely wrong to attribute difficulties in transport which have risen owing to circumstances beyond the control of the West Punjab Government to the unfriendly intentions of that Government or to regard it as an act of coercion on your Government in taking a decision about the accession of the State. We have already sent a Special Officer to discuss with you the problems arising in respect of these matters and to settle ways and means of adjusting the difficulties.

Having regard to gravity of the situation we have carefully considered your suggestion to have an impartial enquiry made into the whole affairs. We appreciate the suggestion and ask you immediately to nominate your representative on this Enquiry Committee. On hearing from you we shall nominate our representative without delay so that the Committee can proceed at once with a thorough enquiry into the whole matter. In the meantime we hope that every effort will be made on both sides to restore cordial relations between us.

(15)

TELEGRAM, DATED 22ND OCTOBER 1947, FROM THE MINISTER, EXTERNAL RELATIONS, SRINAGAR, TO FOREIGN KARACHI.

Your telegram, Kashmir Prime Minister touring area concerned. Your telegram passed on to him for necessary action.

(16)

TELEGRAM, DATED 20TH OCTOBER 1947, FROM QAID-I-AZAM, GOVERNOR-GENERAL OF PAKISTAN. KARACHI, TO HIS HIGHNESS THE MAHARAJA OF JAMMU AMD KASHMIR, SRINAGAR.

I have received telegram of the 18th October from your Prime Minister regarding the situation in Kashmir which I regret was released to the Press before it reached me and before I could deal with it. My Government have already been in

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communication with your Government and I deplore that your Prime Minister should have resorted to the tone and language adopted in his telegram to me which embodies a threat to seek outside assistance and is almost in the manner of an ultimatum. This is hardly the way for any responsible and friendly Government to handle the situation that has arisen. On 15th October your Prime Minister sent a telegram to my Government making similar allegations in the same offensive manner as have been repeated in his telegram of the 18th October now addressed to me without waiting for the reply to his earlier telegram from my Government. My Goverment have already replied to that telegram on the 18th October and this reply shows clearly that your Government's wholly one-sided and *ex parte* allegations cannot be supported. Since your Government have released to the Press the telegram addressed to me under reply my Government have no other course left open and have therefore decided to release to the Press their reply referred to above refuting your Governments allegations. The allegation in the telegram under reply that the standstill agreement has not been observed is entirely wrong. The difficulties that have been felt by your administration have arisen as a result of the widespread disturbances in the East Punjab and the disruption of communications caused thereby particularly by the shortage of coal. These difficulties have been felt acutely by the West Punjab Government themselves. The difficulties with regard to banking facilities were caused by lack of staff. Threat to enlist outside assistance shows clearly that the real aim of your Governments policy is to seek an opportunity to join the Indian Dominion as a *coup de'etat* by securing the intervention and assistance of that Dominion. This policy is naturally creating deep resentment and grave apprehension among your subjects 85 per cent of whom are Muslims. The proposal made by my Government for a meeting with your accredited representative is now an urgent necessity. I would also repeat that I endorse the suggestion made in your Prime Minister's telegram of 15th October and accepted by my Government in their reply of 18th October to have an impartial enquiry made into the whole affair.

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(17)

COPY OF A TELEGRAM, DATED 21ST OCTOBER 1947, FROM FOREIGN MINISTER, PAKISTAN, KARACHI, TO THE PRIME MINISTER, KASHMIR AND JAMMU, SRINAGAR.

In our telegram, dated 12th October 1947, we drew your attention to the grave situation in Poonch. Reports since received indicate that a reign of terror has been let loose in Poonch and that terrible atrocities are being committed by Dogra troops operating in Poonch area. Large numbers of refugees are crossing from Kashmir territory into Pakistan and they relate stories of inhuman barbarity. Serious anexity regarding safety of their families in Poonch area is being felt by Pakistan Military personnel whom it is exceedingly difficult to reassure in absence of any clear reports or assurances from you. Request immediate detailed report of conditions and assurances of security for Muslim life and property.

(18)

TELEGRAM, DATED 22ND OCTOBER 1947, FROM THE MINISTER, EXTERNAL RELATIONS, JAMMU AND KASHMIR, SRINAGAR, TO GOVERNOR-GENERAL, PAKISTBN, KARACHI.

Your telegram of twentieth to His Highness the Maharaja Bahadur has been forwarded to him in Camp as he is on tour.

(19)

TELEGRAM, DATED 22ND OCTOBER 1947, FROM THE MINISTER, EXTERNAL RELATIONS, JAMMU AND KASHMIR, SRINAGAR, TO FOREIGN, KARACHI.

Your telegram regarding Poonch. Facts reverse of what alleged. People from across border Rawalpindi and Hazara District causing trouble which has been extended by them from this morning to Muzaffarabad district of Kashmir Province as well. Pakistan Government can put end to feelings of resentment of Pakistan Army people belonging to this State whose relations in consequence of disturbances created by Pakistan

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people are displaced and put to inconvenience. Allegations of reign of terror created by Dogras are not related to facts. On other hand copies of telegrams from minority communities suffering most at the hands of invaders are reproduced below for information.

Telegram public Poonch begins Hindus and Sikhs in danger of being completely wiped out rebels fifteen miles from city crisis increases every moment ends.

Telegram Hindus Sikhs Poonch begins situation extremely grave four Rajput families numbering thirty-six ruthlessly butchered at Baral near Palandari fate of thousands of surrounding villages unknown thick clouds of smoke visible refugees in thousands pouring every day villages fifteen miles distant ablaze raiders at gates of city pray arrange immediate aerial survey and despatch sufficient reinforcement and save ends.

(20)

TELEGRAM, DATED 22ND OCTOBER 1947, FROM THE PRIME MINISTER, SRINAGAR, TO (1) THE PRIME MINISTER, N. W.F.P., PESHAWAR, AND (2) THE DEPUTY COMMISSIONER, RAWALPINDI.

People armed with modern weapons reported having infiltrated from Hazara along with people from Rawalpindi Districts into tract between Kishenganga and Frontier Boundary within the State. They have started trouble shooting non-Muslims and burning their houses. They are reported to be still coming in motor vehicles. Shall be greateful if immediate steps taken to stop this infiltration and withdraw people who have already crossed over. Deputy Commissioner, Rawalpindi, telegraphed accordingly.

(21)

New Delhi, Tuesday.—Speaking at a reception today, Sheikh Mohammed Abdullah, the Kashmir Nationalist Leader pleaded for time to consider which Dominion the State should join.

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"In the meantime", he said, "Our friends could help us to attain our freedom from autocracy".

The Kashmir leader stated that despite the opposition of the League to the popular demand for self-government implicit in the "Quit Kashmir agitation, the attitude of his party would not be governed by passion. "He believed in facing issues unsentimentally and unemotionally and weighing consequences before taking a decision. Only the good of the people of the State would count. He asserted that he would not brook dictation from Pakistan or coercion from India. Their first concern, he repeated, was attainment of self-government, so that the people armed with authority and responsibility, could decide for themselves where their interests lay. (*Statesman*, dated 10th October 1947).

(22)

New Delhi, October 27th,—"Kashmir is in dire peril, and the first duty of every Kashmiri is to defend his motherland against the intruder", declared Sheikh, Abdullah, the Kashmir leader, who left for Srinagar today, in a statement.

The "invasion" of Kashmir is meant to coerce and compel the people of Kashmir to act in a particular way, namely, to accede to Pakistan. Sheikh Abdullah says. "Every Kashmiri resents this compulsion on his will". (*Times of India*. dated 28 th October (1947).

These are the words of Sheikh Abdullah: "Kashmir to be joint Raj of all communities. Our first demand is complete transfer of power to the people in Kashmir. Representatives of the people in a democratic Kashmir will then decide whether the State should join India or Pakistan.

"If the forty lakhs of people living in Jammu and Kashmir are bypassed and the State declares its accession to India or Pakistan, I shall raise the banner of revolt and we face a struggle.

"Of course, we will naturally opt to go to that Dominion where our own demand for freedom recives recognition and

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support. We cannot desire to join teose who say that the people must have no voice in the matter.

"We shall be cut to pieces before we allow alliance between this State and people of this type.

"At least thirty lakhs of Muslims in Jammu and Kashmir State are not going to sacrifice themselves for one Nawab of Bhopal or one Nizam of Hyderabad whose interests the Muslim League is trying to guard by the adoption of an anti-State's peoples policy.

"I assure the Hindus and the Sikhs that their life and honour will be safe and fully protected so long as I live.

"In this time of national crisis Kashmir must hold the beaconlight. All round us we see the tragedy of brother killing brother. At this time Kashmir must come forward and raise the banner of Hindu-Muslim unity.

"In Kashmir we want a people's Government. We want a government which will give equal rights and equal opportunities to all men—irrespective of caste or creed. The Kashmir Government will not be the Government of any one community. It will be a joint government of the Hindus, the Sikhs and the Muslims. That is what I am fighting for". (From the *People's Age*, dated 26th October 1947.)

(24)

London, November 7th.—"In spite of the proximity of the raiders and comparatively heavy fighting 4½miles West of Srinagar, Srinagar remained calm and business continued as usual. The situation is quite unreal and can only be explained by the fact that the head of the administration, Sheikh Abdullah and his National Conference followers have contrived to instil confidence into the citizens".—"THE TIMES".

(25)

A STATEMENT BY GHULAM MOHAMMAD SADIQ, ACTING HEAD OF ADMINISTRATION OF THE JAMMU AND KASHMIR STATE, IN AN INTERVIEW, WHICH APPEARED IN THE PRESS ON 10TH DECEMBER 1947.

Ghulam Mohammad Sadiq said, "Before the invasion, the

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National Conference deputed me to approach the Pakistan Government at the highest level to recognise democratic rights of the Kashmir people for self-determination and abide by the sovereign will of a free people on the question of free association with either of the Dominions. I met Pakistan's Prime Minister and other Ministers, but it was of no use. We see finally put into operation a programme of first enslaving and then securing 'yes' in their favour from an enslaved people". Asked what the immediate problems facing the Kashmir Administration were today, Mohammad Sadiq said: "Certainly not referendum but immediate relief to our people. In fact, we are carrying on with atomic speed the two-fold task of rehabilitation of unfortunate victims of Pakistan aggression and the procurement of food and cloth.

"Pakistan propagandists who pretend to show so much concern for their Muslim brethern in Kashmir against Dogra oppression have tried their best to strave them by blockade of all exports and imports for the past five months".

(26)

INDIAN INDEPENDENCE ACT

7. CONSEQUENCES OF THE SETTING UP OF THE NEW DOMINION.—(1) As from the appointed day (August 15th, 1947.)

(*b*) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the Rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise;

(*c*) * * * * * *;

Provided that, notwithstanding anything in paragraph (*b*) or

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paragraph (*c*) of this sub-section, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Ruler of of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

(27)

Section 14. Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rules of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow. (British Cabinet Mission Statement of May 16th, 1946.)

(28)

MEMORANDUM ON STATES' TREATIES AND PARAMOUNTCY PRESENTED BY CABINET DELEGATION TO HIS HIGHNESS THE CHANCELLOR OF THE CHAMBER OF PRINCES.

[*This is in amplification of paragraph 14 of the Statement issued on May 16th by the Cabinet Delegation and His Excellency the Viceroy.*]

1. Prior to the recent statement of the British Prime Minis-

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ter in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes with might emerge as a result of negotiations would not unreosonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. His Majesty's Government have now declared that if the Succession Government or Governments in British India desire independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

2. During the interim period, which must elapse before the coming into operation of a new Constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.

3. In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new Constitutional structure for India, and His Majesty's Government have been informed by the Indian States thate they desire, in their own interests and in the interests of India as a whole, both to make their contribution to the framing of the structure, and to take their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the Constitutional structure. It will also strengthen the position of States during this formulative

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period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions.

4. During the Interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian Constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the Succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can, should it be so desired.

5. When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the Successor Government or Governments in British India,

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or failing this, entering into particular political arrangements with it or them.

May 22nd, 1946.

(29)

INSTRUMENT OF ACCESSION OF.....

WHEREAS the India Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an endependent Dominion known as INDIA, and that the Government of India Act, 1935 shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I.....

Ruler of.....

in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession, and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of....., (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so

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far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Sehedule hereto as the matters with respect to with the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

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9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this.....day of August, Nineteen hundred and forty-seven.

.....

I do hereby accept this Instrument of Accession.

Dated this.....day of August Nineteen hundred and forty seven.

.....

(Governor-General of India.)

SCHEDULE

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE.

A. *Defence*

1. The naval. military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an Acceding State, which are attached to or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.

3. Arms; firearms; ammunition.

4. Explosives.

B. *External Affairs*

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domici-

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led in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalisation.

C. *Communications*

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengres.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. *Ancillary*

1. Election to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

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3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts oiher than courts ordinarily exercising jurisdiction in or in relation to that State.

(30)

STANDSTILL AGREEMENT BETWEEN DOMINION AND STATES.

Agreement between the State of.....And the Dominion of India.

Whereas it is to the benefit and advantage of the Dominion of India as well as of the Indian States that existing agreements and administrative arrangements in the matters of common concern, should continue for the time being between the Dominion of India or any part thereof and the Indian State—

Now therefore it is agreed between the.....State and the Dominion of India that:

1. (1) Until new agreements in this behalf are made, all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian State shall, in so far as may be appropriate, continue as between the Dominion of India or, as the case may be, the part thereof, and the State.

(2) In particular, and without derogation from the generality of sub-clause (1) of this clause the matters referred to above shall include the matters specified in the Schedule to this Ageeement.

2. Any dispute ariring out of this Agreements or out of the agreements hereby continued, shall, unless any provision is made therein for arbitration by an authority other than the Governor-General or Governor, be settled by arbitration

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according, as far may be, to the procedure of the Indian Arbitration Act, 1899.

3. Nothing in this Agreement includes the exercise of any paramountcy functions.

.....State,

.....

Secretary to the Government of India.

SCHEDULE.

1. Air Communications.
2. Arms and equipment.
3. Control of commodities.
4. Currency and coinage.
5. Customs.
6. Indian States Forces.
7. External Affairs
8. Extradition.
9. Import and Export Control.
10. Irrigation and Electric Power.
11. Motor vehicles.
12. National Highways.
13. Opium.
14. Posts, Telegraph and Telephones.
15. Railways (including police and other arrangements in Railway lands)
16. Salt.
17. Central Excises, relief from double income-tax and other arrangements relating to taxation.
18. Wireless.

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(31)

LIST OF VILLAGES OF JAMMU AND KASHMIR STATE UP TO MANAWAR ON BORDER BURNT AND LOOTED BY RAIDERS UP TO 24TH OCTOBER 1947

Map Sheet 43/P/7.

Chak Kahhan.
Kunda Chak.
Lachhanpura.
Mandala.
Nao Chak.
Rathua Thogli.
Manhiyari.
Kadyala.
Gujar Chak.
Debu Chak.
Tawabar Chak.
Desa Chak.
Changi.
Gaiyu Chak
Chak Bhagwana.

43/L./15.

Nanga.
Chhsoni.
Bammu Chak.
Samdu Chak.
Chak Jassa.
Dohali.
Kotha.
Govind Garh.
Ram Garh.
Chak Nazir.
Kotli Mulkhalian.
Sajwan.
Chak Dontal.
Gudwal.
Rari.
Shamyadapur.

43/L/9.

Nikowal.
Jamana Bela.
Najwal.
Chak Phagwari.
Rajpura.
Malpur.
Tagawal.

43/L/10.

Waddi Sei.
Chakori.
Gharaua.
Gulab Garh.
Phlora.
Satowali
Bakarpur.
Badolian.
Kotli Qannogoyan.
Khat Marrian.
Asu Chak.
Bhikharwan.

43/P/3.

Panj Garrain.
Bobiya.
Sherpur.
Chak Sada.
Muthani Jatiaru.
Mangu Chak.
Desah Chak.
Chhechwal.
Regal.
Mudwal.
Bhelora.
Harkha.
Batar.
Bain Glar.

43/L/14.

Khoju Chak. } 2nd raid
Chat Grain, } night
Kotli. } 14/15th
Chhattaka Chak. } October
Ala (severe casualties).
Kotha (severe casualties).
Joian.
Kotla.
Kirial.
Pindi.
Panjgrain.
Biaspur Parla (severe casualties).

Kalyana
Pindi Charkan.
Pindi Sarachan.
Tarapur.
Changia.
Chanana.
Tariva.
Molo Chak.
Wakopur.

43/L/5.

Manawar and surrounding villages (severe casualties).

43/L/10.

Saugihal.
Chanor (heavy casualties).
Trangot.
Gakhrial.
Golpatah.
Subagani.
Chakrali.
Thuli.
Mukwal.

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PART II
DOCUMENTS

(1)

"Baramula, India, 10th November.—The city had been stripped of its wealth and young women before the tribesmen fled in terror, at midnight Firday, before the advanced Indian Army. Surviving residents estimate that 3,000 of their fellow townsmen, including four Europeans and a retired British Army Officer, known only as Colonel Dykes, and his pregnant wife, were slain. When the raiders rushed into town on 26th October, witnesses said: 'One party of Masud tribesmen immediately scaled the walls of Saint Joseph's Francescan Convent compound, and stormed the Convent Hospital and the little church. Four nuns and Colonel Dykes and his wife were shot immediately. The raiders' greed triumphed over their blood lust'. A former town official said: "The raiders forced 350 local Hindus into a house, with the intention of burning it down. The group of 100 raiders is said to be holding another five, as hostages, on a high mountain, barely visible from the town. Today, twenty-four hours after the Indian Army entered Baramula, only 1,000 were left of a normal population of about 14,000.'" (*New York Times*. Despatch by Robert Trumbull).

(2)

"Max Despott, an Associated Press photographer, said today he saw more than twenty villages in flames while flying over a section of Kashmir Valley extending within twenty miles of the capital. The villages, in an area of ten miles long and ten miles wide, apparently had been set fire to by the Muslim invaders who are scouring the valley and moving in the direction of Srinagar". (*Chicago Daily Tribune*. Despatch of November 3rd).

(3)

Abbottabad, Sunday.—For ten days I have lived in a Bara-

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mula hospital ward, 50 feet by 20, with 77 refugees—23 of them children.

The hospital is attached to St. Joseph's Convent, where tribesmen killed four Europeans, including Colonel Douglas Dykes and his wife.

There is a hero among the refugees—Father George Shanks, born in Newcastle-on-Tyne.

I saw him hiding Sikh and Hindu girls defying loot-mad Pathans to carry out their threats to take all women off to the bazar.

He raged at tribal chiefs for using the Convent grounds as headquarters. He rolled up his shirt sleeves and dug air raid shelters.

When the raiders came he stayed alone in a ward with bed-ridden, 75-year-old Mrs. Winifred O'Sullivan, protecting her with mattresses and joking her fears.

The faces of his nuns—they represent seven European countries—never lost their smiles, or showed any trace of weariness as they tended the dying and the wounded, hysterical women, and frightened children.

That is the story Father Shanks would never tell. He describes the attack on the Convent without mentioning his own name. Like this:—

"The tribesmen—great, wild, black beasts they were—came shouting their way down from the hills on both sides of the town.

"They climed over the hospital walls from all sides. The first group burst into a ward firing at the patients.

"A 20-year-old Indian nurse, Philomena, tried to protect a Moslem patient whose baby had just been born. She was shot dead first. The patient was next.

"Mother Superior Aldetrude rushed into the ward, knelt over Philomena and was at once attacked and robbed. The Assistant Mother, Teresalina, saw a tribesman point a rifle at

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Mother Aldetrude and jumped in front of her. A bullet went through Teresalian's heart.

"At that moment Colonel Dykes, who had assured us we would not be attacked, raced from his room a few yards along the terrace to get the Mother Superior out of danger, shouting at the tribesmen as he ran. But the Mother Superior fell shot, and Colonel Dykes collapsed beside her, with a bullet in the stomach.

"Mrs. Dykes ran from her husband's room to help him, she, too, was shot dead.

"While this went on Mr. Gee Boretto, an Anglo-Indian, was killed in the garden before nine nuns. Then the nuns were lined up before a firing squad.

"As the tribesmen raised their rifles a young Afridi officer, who once studied in a Convent School at Peshawar, rushed in and stopped them. He had been told his men were raiding a Convent, and had run all the way from the town. That saved all our lives by a few seconds.

"We did not find Mrs. Dykes until the following day. She had been thrown down a well".

A Pakistan Army convoy was sent to rescue us. On the way from Baramula we stopped at the village of Boniyar to seek the staff of the World Wide Evangelistic Crusade Mission.

Pathans had brought in reports that the chief of the mission, Major Ronald Davis, a Welshman, and one of his two English women assistants, had been shot dead. The other assistant was said to have been taken to the hills with seven orphan children.

The assistants were 36-year-old Dorothy Brown, of Brighton, and Bessie Southall, 38, from Lancashire.

Boniyar, which we reached after dark, gave no clue to these Britons. The mission house was abandoned and silent. (*Daily Express*, London, November 11th, extracts from despatch by Sydney Smith).

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(4)

STATEMENT OF MR. ABDUL RAHMAN OF BARAMULA REGARDING THE ATROCITIES THAT WERE COMMITTED ON THE CIVILIANS THERE BY THE RAIDERS

The raiders with all their ferocity looted the Hindus to begin with, burnt the houses of the Sikhs and also killed them. As a result of this arson and loot, the Sikhs and the Hindus fled from Baramula leaving their houses burning, and most of their women raped and kidnapped. The raiders did not touch the Muslims to begin with—perhaps they wanted to win their sympathy in this way and wanted to show them that they were their helpers.

After a few days when they found that they were about to be turned out of the Valley, they turned on everybody that came their way. They started wholesale loot, arson and orgy. They burnt the property of the Hindus, Sikhs and Muslims without any discrimination. They killed whoever came in their way. They killed children, old men and women, and they committed rape on every young woman, Hindu, Muslim and Sikh alike.

The raiders also took all the valuable ornaments of silver and gold, shawls, etc., when they left our town.

(5)

STATEMENT OF CH. FAIZ ULLAH, EX-WAZIR WAZARAT OF BARAMULA, DATED 10TH NOVEMBER 1947.

The raiders entered Baramula on the night of 26th October 1947 in groups of 30 to 40 bodies. It is estimated about 5,000 of them were concentrated in Baramula at one time. They were mostly tribesmen with a few Punjab Muslims, all well armed and led by Pirs, Pak Army and Frontier Constabulary officers. They formed their Base H.Q. at Baramula and spread out on the valley in groups North-East and South-East towards Srinagar. The local Muslim Conference men joined with the raiders and acted as guides and helped them to collect rations. From the day the raiders entered Baramula they started killing

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non-Muslims and looting and burning houses of all local inhabitants, irrespective of religion and raping their women. They used to break into houses of local inhabitants in groups of ten or twelve, search the house and carry away valuables, clothes and food. Two hundred and eighty lorries were used to carry away loot taken from Baramula towards Uri. Women were taken away and kept in Masjids, Gurdwaras and temples where they were raped by the raiders. They got into the St. Joseph's Convent by climbing over the wall, shot the Mother Superior, Major and Mrs. Dykes, ransacked that place and the hospital attached to it, and destroyed everything. I heard that the daughter of Begum Shah Nawaz came to Baramula to rescue the nuns. I also met News reporter Mr. Sydney Smith there, who stayed in Sardar Umrao Khan's (retired Police officer) house for 3 or 4 days. He also contacted Major Khurshid Anwar, who was head of the Azad Kashmir Government and was also conducting the operations. He left Baramula with Father Shanks, Principal, St. Joseph's College, probably on the 1st November. I came to know Sydney Smith through Father Shanks, whom I gave some blankets for the inmates of the Convent.

The raiders left Baramula on the night of 7th November. There was nost a single house left that was not looted by the raiders. The inhabitants suffered terrible hardships in meeting the demands of the raiders. All Muslims had to give an oath that they were not protecting non-Muslims or hiding their property. It was a great relief to the local inhabitants when the Indian Army re-captured Baramula.

(6)

London, November 11th.—"Indian Progress in Kashmir; Baramula A Major Success", is the *Times* headline of its correspondent's despatch from Srinagar.

All Baramula residents, he says, seem delighted to welcome the Indian troops. He also bears testimony to the fact that the Convent and hospital were not shot up by the Indian aerial attacks alleged by Pakistan wireless statements. (*Times*, London).

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(7)

Srinagar, December 12th.—"Mohammad Akram Khan, Salar-i-Ala of the Muslim National Guards (of Poonch) has resigned from the Muslim National Guards.....Disassociating himself from these organisations, he says in a statement, 'I had imagined that my leaders of the Muslim Conference were fighting against autocracy, against oppression of all sorts and for an Azad Kashmir based on Islamic conceptions of justice and equality. But these four months and a half have fully opened my eyes to the reality. Today I am ashamed to own my connections with these organisation'. He adds, 'I know these organisations and their patrons from Pakistan have brought misfortune to the peaceful freedom-loving people of my homeland. Having seen with my own eyes the devastation in Baramula, I know these traders in Islam are only petty thieves, cut-throats and ruffians'. Concluding, he says, 'We know the brave fight which our freedom-loving people are putting up under the leadership of Sheikh Mohammed Abdullah and Pandit Nehru. Their hands we shall strengthen, for thus alone can we get the free India of our dreams. Thus alone shall we build the new Kashmir of peace and plenty.'" (*United Press of India*).

(8)

EXTRACTS FROM THE STATEMENT OF MR. INDER SINGH BALI, SON OF SARDAR TEHL SINGH, STATE JAGIRDAR, AND CHIEF OF THE PUNJAB, AGED 24 YEARS; OF MIRPUR PROPER

"On 25th November 1947 our town (Mirpur) was bombarded and what looked like canon and mortar fire was opened on the town resulting in the complete blowing up of the roofs of the houses and causing lots of casualties among the civilians. The State troops did not put tough fight and the raiders occupied the town at 2 p.m. and set the entire town on fire. There were about 350 men of the State troops in the town itself and had placed pickets around the town and about 200 men were in the Cantoment. When the position became hopeless the troops in the town decided to surrender and run away and

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placed themselves in touch with the Officer Commanding in the Cantonment, and with the concerted action of troops both in the town and the Cantonment, the civilians from the town managed to reach the Cantonment."

"Out of our party about 300 girls were forcibly taken away and when we reached Thatala camp we heard from the Hindus that had already reached there that their 500 girls had also been taken away. At Thatala we found that not less than 2,000 Pathans all with 303 rifles were present".

"The concentration at Thatala swelled up to above 5,000. Here again the pathans sorted out young girls and carried them away. Thatala is about 15 miles from Jhelum city. Here a number of officers of Pakistan army visited the camp. Among these officers there were one Lieut-Colonel, one Captain and a few V.C.Os. and men in all numbering 50. These officers and men were not wearing Regimental signs. All these officers and men were wearing black caps and from their uniform I could see that they belonged to the Punjab Regiment. We spent two nights at this Camp. Out of the raiders three men who belonged to my town and were very well-known to me took pity on me and managed to deliever me at Jhelum Camp (at the house of L. Avtar Narain) after they had relieved me of all my belongings. I am the only survivor from Mirpur."

(9)

EXTRACTS FROM THE TRANSLATION OF DIARY CAPTURED AT URI BY 161 BDE. AND FORWARDED BY H.Q., DELHI, AND EASTERN PUNJAB COMMAND SECRETARIAT, FEBRUARY, 1948.

"My name is Aziz Lon Bacha, Lambardar.

"1. On Monday the 8th Zul Haj 2004—time afternoon prayers. From the Punjab, and from Waziristan military has arrived in Uri Bazar. They first put fire to Tehsil office and Bungalow and then broke the bazar with axes, etc. At least six thousand military men looted the bazar. On 8th Zu-Haj no shopkeeper was present. On 7th Zul Haj all the shopkeepers, residents and labourers ran away leaving all their

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belongings. The military, six thousand strong, looted Uri and left not a single article. In the evening the public returned. The loss in Uri Bazar and village is estimated at six lacs".

"2. Uptil afternoon prayer time firing continued. From that day up to 14th Zul Haj no body was seen in Uri bazar or village and most of the people left in aeroplanes. Only God and six thousand military remained in Uri.

"3. In Uri Bazar the military cooked its meals up to 12. At bed time at 12 midnight, one military man set half the bazar on fire and it at once got ablaze and all turned to ashes. Up to 9th Zul Haj mid-day it went on burning. Military went into the neighbouring villages for refuge. People looted the bazar. The Maharaja's military seeing its precarious position took to their heels at midnight. On 8th Zul Haj in the evening the Pathans slaughtered cows. They first slaughtered cows, goats, sheep and hens belonging to Hindus, cooked half of the meat and threw the remaining on the road. On 9th Zul Haj in the morning they caught every cow, ox, goat, sheep and hen and slaughtered them. Cannot say whether they cooked it or not, and ate meat or bread. Believe that about 1,500 cows, etc., were slaughtered.

"4. On 9th Zul Haj the condition was very bad. Id was toe celebrated with joy in Uri. No one was aware whether thern was Id on that day or not. There was great danger. The Muslim women slipped away due to the danger. The military looted the houses of both Hindus and Muslims and put to them fire. When Muslims left the houses the public considered they were Hindus. Had they been Muslims why did they run away? All the Hindus ran away, one day before. On Id day 1,500 Hindus were captured and confined in the Uri school with slogan "Narai-Takbir". Beef was given to Sikhs and Hindus to eat. In one day beef was prepared and given to 1,500 Hindus to eat."

"5. On Id-ul-Zuha day at 10 A.M. when the sacrification was being given we and other follows took a little tea mixed with salt without milk. This was the Id celebrated in Uri. After an hour 10 or 15 military men used to come to the doors for

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looting, etc. They demanded each and everything, including loaves. We used to give them rosted loaves. If a Mohammadan brought insufficient flour we had to give him loaves. I have seen several stout men but there were none such in Kashmir. Besides it was very difficult that those people did not listen to others, whether anyone was put to trouble. May God save us from such cruel men.

"A Pathan Military Captain came and stayed in the Dak Bungalow. On the next day he announced that none should be sent to Punjab except children and old women and men. Only young ladies and boys may be kept and the remaining Sikhs be killed and so in one minute the Sikhs were killed.

"6. I did not see but heard that a Hindu or Sikh was put to death by 13 shots. Up to the last breathing he said "Hindustan" and not "Pakistan". The Sikh belonged to Salamabad in Tehsil Uri. Seven Sikhs and Hindus were shot dead. A man's head was wounded with a sword. The bleeding remained for several days. Their wives were captured. There were two young ladies who were married with 2 Pathans and the latter took them. On the 14th Zul Haj 1,000 Hindus were collected. The Sikhs were persuaded to say "Kalma". Their beards were shaved. They were persuaded to take meals with Mohammadans and to say "Narai-Takbir". They were given beef. The ears of the women were cut off. The Muslim Captain ordered that they might be released now and when they do such evils we are alive! It was at their discretion to accept "Islam" or to remain as Hindus. We had to kill Sikhs first of all.

"7. It was not known whether there was any Id or not. On the Kohala road up to Baramula and in the neighbourhood no one was aware of Id. On both sides of the road there were 500 villages. The inhabitants of these villages thought nothing about Id-ul-Zuha, sacrification, preparing meals or meeting their relatives but spent the day weeping and crying. For nearly 5 days no one lit a fire in Uri. Some people were in their houses, others were all hidden in the forest, in the hills or in Nullahs. If and when any Hindu came out from a Muslim house the Muslim's house was put to fire along with his family members.

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"On the 11th Zul Haj the military went to the house of Raja of Nimbal. He gave them a feast. After the meal it came to notice there was a Hindu in the house, though he was not seen. They abused the Raja. Meanwhile the Raja ordered his servant to bring some money from the Treasury.

"8. He gave them a gift. They handed over the money to the labourers and the military put the bungalow, etc., to fire and killed that Hindu and smashed the Raja. By this time all the inhabitants of the village were captured and brought to the Uri Bazar School. The military looted all the houses and when all the Hindus were brought out from the village the Muslims were ordered to loot their houses. On the third day when all the property was looted they were sent back to their houses. When they reached their houses they preferred death to life. Fathers were unaware of their children and mothers of their daughters. Up to what extent should I write what I have seen. Death is better than such life.

On Id day 50 lorries reached Uri. Each lorry contained 150 men and they were armed with 303 rifles, spears, swords, axes and daggers, etc. By the 10th Zul Haj nearly 300 lorries reached Kashmir and Srinagar. It appeared that it was doom's-day. May God save us! Death was better than living. On the 14th Zul Haj a Sikh told the Muslim captain that he had accepted Islam and so after great conversation that Muslim captain ordered that all his relatives be put to end, and that Sikh was saved. On the 10th Zul Haj two Sikhs appeared in front of the office of the Captain as being emmisaries. A Pathan enquired from them if they were Hindus or Muslims and they replied "they were travellers". That Pathan became suspicious. He removed their pyjamas. They were found without circumcision. He fired at them. One Sikh was shot dead and the other made good his escape. He was pursued by 12 Pathans and was shot dead near the river banks.

All commodities including drinking water were being brought in lorries for the military from Punjab. It was heard that from 10th Zul Haj to 14th Zul Haj several dozens of riflemen were killed by guns and were taken to Punjab in lorries the next day in the dark. From Kotli to Srinagar they

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succeeded in putting all the bungalows, houses, and shops *en route* to fire.

Up to 15th Zul Haj about 26,000 Pathan military men reached Srinagar from Pakistan. Since 16 Zul Haj at least 30 lorries each transporting 150 military men and other war materials and equipment reached Srinagar. God save! Death is preferred to life!

From the 14th Zul Haj the people began to return to their houses. After a day they heard about fresh trouble and began to run away, leaving all the belongings earned by them during their life. When the Hindus saw Pathans they began to say "Kalma". A platoon of Pathans came first. They laid wire fence first of all and made other arrangements. On the last Friday the aeroplanes bombed the Pakistan lorries damaging two of them, killing 4 men and wounding 3. A lorry removed the 4 dead and the other went to Uri. The Indian aeroplanes carrying machine guns appeared 4 times. These gave too much trouble. The Pakistan Army brought several dozens machine guns and other guns and made picquets on certain places for attacks on the aeroplanes. The Pathans started war on such an inauspicious date that they had begun to retire.

Mohd. Abdullah Khan cheated the Pathan military. The military had been smashed by machine guns. All the trouble that the Pathan military had confronted was due to evil deeds done by Mohd. Abdullah Khan. On Thursday, Maqbool Sherwani, a leader of Baramula, was killed.

Whenever any Pathan came he became cheat afierwards and went back to his home with booty on false pretenses. The Pathans had looted Kashmir and smashed it all round.

The Pakistan Government considered that if 2 fighter planes were supplied the Hindustan Government would supply 4 and so whole Kashmir would be smashed, and thus where would one rule? The Pakistan military were smashed in Kashmir by the fighter planes. I saw nothing except this.

The Muslims cheated the Pathan in Chhata Bal, saying that they would make picquets against the Maharaja's Army, and the Pathans should go on the other road. Some suns were

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hidden under the ground and when the lorries of Pathans passed they were attacked as a result of which dozens of Pathans were smashed and hundreds of Pathans were killed in minutes. There was no clue left of the Pathans except dead bodies.

Those who remained alive were defeated and ran away leaving 100 lorries there which have been taken possession of by the Maharaja.

A great quantity of war equipment, rifles, machine guns, Lewis guns, etc., and several others of which I did not know the nomenclature, were left behind. Food commodities sufficient for 80,000 Pathans, gur, flour, maida, oil, petrol, mobile oil, ghee, sugar, musical instruments, ambulances, stores, cooking utensils, barbers, doctors, Imam were left around Srinagar.

The Pathans were smashed in great number. Don't think all were Pathans. There were Punjabis and Hindustanis. At least they were 80,000 approximately. Of this number 10,000 came from Punjab. They were true Muslims and came to sacrifice for religion. What to say, they were crying and weeping when they returned. They were tried off and had no practice of running on foot. If they used roods they were attacked by bombs. They used to retire through forests, hills, and nullahs, etc., and hardly reached Kohala and Garhi Sultan on foot. Even after having been defeated they did not give up their actions. They took with them horses, looted property and abducted Hindu women.

It is fact that nearly 22,000 Hindus and Sikhs were killed in villages *en route* from Kohala to Uri. I came to know that when Hindus were running the Sub-Inspector, Uri, was killing them. When Pathans reached Kohala there was no Hindu there. When the Sub-Inspector in charge of Uri counted there were 2,000 Hindus left in the village. The population of Hindus in that village was 24,000 and only 2,000 saved their lives and returned to their houses. Nothing can be counted from Uri to Srinagar. What to be explained—death is preferred to life. Alas! we people have been slaves to Maharaja for centuries. We are just made free from slavery. We do not

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know what is Pakistan and what is Hindustan. Communal tension has been created between Hindus and Muslims. The Maharaja committed no cruelty on us as was being done by the ruler in the past.

It is disgraceful. Our children were thrown in the river. The weak men gave their lives as their hearts failed them. Those who gave no ornaments or money were made targets of the rifles. On Kohala-Uri road 500 Muslims were killed with rifle shots. Seeing such tragedy yougs children, old men and women gave their lives as a result of palpitation of hearts. A Pathan selected a Shikh lady and abducted her. When he reached the river bank he asked her to sit on the boat but the Sikh lady jumped into the river instead and gave her life. Thus the Pathan remained there rubbing his hands.

(10)

TELEGRAM, DATED 2ND DECEMBER 1947, FROM FOREIGN, NEW DELHI, TO PUNSG, LAHORE

For Mr. Liaquat Ali Khan from Jawarlal Nehru.

I have received information that Mirpur town has been completely destroyed and out of 13,000 (half of 26,000) non-Muslim only 2,000 (half of 4,000) have reached within 15 miles of Jhelum. The fate of these refugees as well as of about 3,000 (half of 6,000) from the rest of Mirpur area is not known, but there are reports that large numbers of abducted Hindu women have been brought into Jhelum district by Pathans. The Pathans are causing panic among non-Muslim refugee pockets in that district, are firing indiscriminately and shot dead a Mahratta soldier the other day.

I am gravely concerned about the fate of the non-Muslim pockets in Jhelum district and of the Hindu refugees in particular the abducted women who have been brought from Jammu by the raiders. I shall be grateful if you will give all facilities to our M.E.O. organisation to evacuate them to India.

Google

(11)

EXTRACT FROM A LETTER, DATED, NEW DELHI, 12TH FEBRUARY, 1948, FROM G. LESLIE CROSS, ESQUIRE, SECTION LEADER, FRIENDS SERIVCE UNIT, TO PANDIT JAWAHARLAL NEHRU, PRIME MINISTER OF THE INDIAN UNION, NEW DELHI.

"The Pakistan authorities have decided that this evacuation must be postponed, because conditions around Gujrat have deteriorated. Tribesmen have made several attempts recently to raid trains and it would not be safe to try to move non-Muslims either by road or by rail. This decision was made by the Pakistan M.E.O. authorities and was confirmed by the Chief of Staff at Rawalpindi. We left it at that and are going up to Jhelum tomorrow to take in relief supplies and a doctor, because conditions in Alibeg camp are getting worse."

"After we have looked to the immediate needs of the people in Alibeg, we plan to move in further to some of the other concentrations of refugees, so that their friends and relations may at least have news of their conditions".

PART III
DOCUMENTS

(1)

Peshawar, September 16th—The "Jamait-e-Aha of Mujadhidin" in a message to the Chief Minister, North-West Frontier Province, Khan Abdul Qayyum Khan, issued from their stronghold in the Hills of Buner, says: "The independent tribes warn the neighbouring State of Kashmir that if she decides to join the Indian Union even in the teeth of opposition of the 80 per cent of its Muslim population, then such a step will be taken as a challenge and an invitation for a *Jehad* (holy war)".

The message reminds the Maharaja of Kashmir that he is the "nearest neighbour of the tribal territories". (*Times of India*, 17th September 1947).

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(2)

Lahore, 24th October 1947.—The Provisional Government of Jammu and Kashmir, which was set up a few weeks ago, has made a claim that it has now established its rule over a major portion of the State territory. In a statement issued to the press today, the Provisional Government adds that the Maharaja of Kashmir and his Prime Minister have fled from Kashmir proper and will soon perhaps flee from Jammu as well. In view of these changed circumstances, the statement says, the Provisional Government has been constituted with Sardar Mohammad Ibrahim of Poonch as its head. The headquarters of the government has been moved to Palandari in Poonch. (Pakistan Radio).

(3)

Lahore, 29th October 1947.—Khan Abdul Qayyum Khan, Premier of the North-West Frontier Province, has strongly condemned the decision taken by the Maharaja of Kashmir to accede to the Indian Dominion. In a statement, Khan Abdul Qayyum Khan has declared that the Pathans are determined to die to the last man rather than allow the invasion of Kashmir which is a Muslim majority state and belongs to Pakistan as a matter of right. He adds that the fact that Indian troops have set foot on the Muslim Kashmir is not only a challenge to Pakistan but the entire Muslim world. He appeals to every Muslim in Pakistan to get ready to face the situation. The Frontier Premier goes on to say that the present attempt is aimed at encircling and strangulating Muslims. This attempt, he adds, will no doubt be resisted by Muslims of Kashmir at all costs. He also appeals to the Governments of Afghanistan, Iran, Turkey, and the Governments associated with the Arab League to get ready in order to face this new danger to the existence of Islam. In conclusion, Khan Abdul Qayyum Khan gives the assurance to the Muslims of Pakistan and Muslims all over the world that the Pathans will not allow the invasion of Kashmir. He adds: "I can give this assurance with confidence because I have got my hands on the pulse of the Pathans in the tribal areas and the North-West Frontier Province". (Pakistan Radio).

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(4)

Lahore, October 31st.—Mr. Liaquat Ali Khan said: "The Government of Pakistan only with the greatest difficulty prevented a Pathan incursion into West Punjab to take revenge for what happened in East Punjab.

"The attack on Poonch and the massacres in Jammu further added to and inflamed all the more Pathan feeling, and made the raid on Kashmir inevitable, unless the Government of Pakistan, by use of troops, were prepared to create a situation in the North-West Frontier Province which might have incalculable results on the peace of the border.

"The sending of India troops to Kashmir under cover of accession has further intensified and inflamed the feelings of the tribes.

"In these circumstances it is clear to the Government of Pakistan that the Pathan raid was provoked by the use of Kashmir troops to attack and kill Muslims in Kashmir and Jammu and for this the policy of the Kashmir Government was solely responsible. The Kashmir Government must have been fully aware of the inevitability of the Pathan reaction. Their deliberate refusal to consider every suggestion of the Pakistan Government for meeting of representatives of both to handle the situation jointly and in friendly co-operation and at the same time their conspiring with the India Government enabled them to use this raid as the excuse for the putting into effect of the pre-planned scheme for the accession of Kashmir as a *coup d'etat* and for the occupation of Kashmir by Indian troops with the object of holding down the people of Kashmir who have been driven to rebellion by this well calculated and carefully planned oppression. (Pakistan Government Press Communique).

(5)

Karachi, November 1st—Sind's Minister of Health, Pir Ilahi Bux, said in a statement that—"It is not only the Pathans who have to carry on the struggle. It is becoming the concern of all Muslims of Pakistan, may of the whole world, to save the Muslims of Kashmir from destruction". He appealed "to

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all trained and demobilized soldiers to proceed as volunteers to the Kashmir front". (*Times of India* Special Correspondent).

(6)

Srinagar, November 2nd.—Mr. Jinnah's Private Secretary, Khurshid Ahmed, was arrested here this morning by the State police. Maps and other documents were recovered from him.

Khurshid Ahmed who came to Khashmir some days ago had gone underground for organising agitation against the administration. He was arrested in Jama Masjid, centre of the Muslim Conference. National Conference volunteers brought Khurshid out of the hide-out (*Hindustan Times*).

(7)

Lahore, November 5th, 1947. In a Press Conference the Premier of North-West Frontier Province Khan Abdul Qayyum Khan, said that Kashmir was a Muslim majority State and "by right belongs to Muslims. We are not claiming an inch of soil which belongs to the Hindus. We only demand what is rightfully ours".

He went on to say that the large-scale exchange of population had created a demand for more living space.

Continuing he said, "If the Indian Army makes headway in Kashmir we will be faced straightaway with the problem of accommodating three million more Muslims in Pakistan and there is no room for them".

He said that while they were making every effort to prevent Pathans from crossing into Kashmir territory, this task was made diffcult as the tribal belt adjoined Kashmir State territory. (*Associated Press of India.*)

(8)

Rawalpindi, November 10th—Mr. Ghazanfar Ali Khan referred to the situation in Kashmir and said: "Today the leaders of the Indian Union and erstwhile staunch champions

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of human rights and freedom are employing every wanton method to crush the Muslims. While the Prime Minister, Mr. Liaquat Ali Khan, was busy trying to clarify the Kashmir confusion, the Indian Union landed troos in the State before the official announcement of the State's accession to the Indian Union." (*Hindustan Times.*)

(9)

Peshawar, December 24th—Resolutions condemning the partition of Palestine and upholding the struggle of Azad Kashmir Government against the "Dogra's autocracy" were passed at the meeting of the Working Committee of the North-West Frontier Province Jamiat-ul-Ulema-i-Islam, held yesterday under the presidentship of Maulana Shakirullah. The meeting also decided to convene a meeting of the All-Pakistan Jamiat-ul-Ulema-i-Islam in the near future. In all six resolutions were passed.

The second resolution strongly condemned "the inhuman atrocities perpetrated by the Dogra hordes and Indian troops on innocent men, woman and children in Kashmir and supported the Azad Kashmir Government in its struggle against "strangulating Dogra rule". The resolution called upon all the able-bodied Muslims to join their brethern in Kashmir. (*Pakistan Times*, 25th December 1947.)

(10)

Karachi. The Pakistan Government have issued a communique on reports about Pakistan soldiers taking part in the Kashmir campaign.

The communique says: "The attention of the army authorities has been drawn to a report published in certain Delhi newspaper alleging that two battalions of Pakistan Army deserted and were fighting in Kashmir. This report is absolutely baseless and malicious. No unit of the Pakistan Army have deserted.

"Numerous such reports hinting at the Pakistan Army's complicity in the Kashmir fighting have been appearing in the

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Indian Press for some time past despite categorical denials from Pakistan Army Headquarters.

"It is well known that thousands of soldiers were released from the Indian Army and large numbers of them belong to Jammu and Kashmir areas. These soldiers on release were provided with suits of Army uniform with their regimental badges on them. If any such persons have been seen captured or killed they are not and cannot be called Pakistan soldiers.

"The only Pakistan Army soldiers permitted to go to Kashmir are serving soldiers on normal annual leave. Such soldiers are not permitted to carry their arms with them."—*A. P. I.* (*Hindustan Times*, 6th January 1948.)

(11)

LONDON

An indirect admission of Pakistan's complicity in the Kashmir invasion was made by Mr. Zafrullah Khan, leadar of the Pakistan Delegation to the U.N. Security Council and Pakistan's Foreign Minister. In an interview with *Reuter* in London on Sunday, Mr. Zafrullah Khan said that it would be utterly impossible for Pakistan to guarantee that no Pakistan nationals or others passing through Pakistan should be able to cross the border between Pakistan and Kashmir and participate in the struggle for freedom going on there unless Pakistan was prepared, as it were, to build a wall all along the frontier. (*The Hindustan Times*, 13th January 1948.)

(12)

London, 27th October, 1947.—In a despatch from its Delhi Correspondent, says that the tribesmen are accompanied by men in civilian dress with obvious military training. The invading forces are well-equipped with rifles and mortars and scores of army trucks and ample petrol supplies. "There is every evidence that their expedition had strong support and is being conducted with tactical skill." (*The News Chronicle*, London.)

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(13)

London November 2nd.—"They look on this as a holy Muslim War. Some of them, I have seen, talk wildly of going to Delhi."

Moorehead motored to Peshawar and the Khyber Pass from where this crusade began. "Everywere recruiting is going on and there is much excitement and enthusiasm at the success of the Muslims. This is happening not only in the tribal territory where Pakistan has no control but inside Pakistan itself." (*The Observer*, from its Correspondent in Pakistan, Alan Moorehead.)

(14)

EXTRACTS FROM A LETTER ADDRESSED TO CAPTAIN H. STRINCER, LONDON, AND FRANKED ON THE ENVELOPE BY A COLONEL WHOSE SIGNATURE IS INDECIPHERABLE, DATED NOVEMBER 2ND 1947, PAKISTAN.

"This Kashmir show was I think unsafe, and in my opinion amounts to an unofficial war on Pakistan's side. Of course the population are 90% Muslim, and the Hindu Ruler should not have been allowed to accede to India. These tribesmen from the Frontier who have poured up past here during the last fortnight, and are now fighting, killing, looting and burning in Kashmir—some thousands of them—did not arrive by themselves though. Quite obviously the whole business was well organised by a central hand for supply, for transport (all M.T.) and for direction.

A very dangerous machine has however been let loose, one which I doubt Pakistan can control generally, and certainly cannot control locally. The wretched European residents of Kashmir, pepple on leave, Convents, etc., have not eacaped the general fury which is going on a bare hundred miles from here. And of course this road to Kashmir is not the only place, all along the border of and inside Kashmir, Poonch, and Jammu the same scenes are going on."

I see also I have not explained how this tribal show in

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Kashmir is worked. Side by side with the civil administration of Pakistan you have the Muslim League organisation. This latter works much the same way as Hitler's Gestapo, brown shirts, S.S. Men or whatever they went in for. Jinnah is also head of the Muslim League, as well as head of the State. Some officials down the scale are trusted members of the League, some are not so trusted members and some don't belong. Also of course a quite junior Government official may be quite high in the Muslim League Command. This show is run by the Muslim League High Command, working through its trusted officers down the scale. A fair number of them *must* hold positions as Government officials. I say "must" because obviously ordinary civil rations, petrol, etc., could only be diverted to the Tribal army by Government officials who control them. It is impossible for instance for the ordinary citizen of this distict holding a ration card or petrol coupons to get any rations for his card or petrol for his coupons. If he asks then he is told none is available. All the time, however, lorries loaded with bags of food from the local civil supply pass up the road to the tribal force, and anything up to 1,000 gallons of petrol daily passes from the retailers pumps in Abbottabad into their lorries. Just before the show started we got a new Deputy Commissioner in Abbottabad promoted from Assistant Commissioner elsewhere. Without this change the show would have slumped, as the old one was not a Muslim League member and Abbottabad is a most important base for the supply of the odd ten thousand tribesmen now operating beyond here.

Large numbers of these tribesmen have been transported from up to 300 miles away by M.T. crossing Indus Bridges strongly guarded by armed police; so you will realise that Muslim League organisation is good."

(15)

London, November 10th, 1947.—"The first onrush of invaders has been checked but I have just watched bus-loads of howling Pathans and Afghans cross the Kashmir border at Domel to continue the fight from the mountains". Smith counted 45 bus-loads of them, fifty to a bus, on their way to Kashmir.

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Revenge on Sikhs fires their zeal and every evening their leader. Colonel Shah Pasand Khan, "hands raised, palm upwards, chants a prayer to Allah for blessings on their holy war for the extermination of Sikh". Fifty thousand more tribal Pathans are ready to join the invaders. They are crossing into Kashmir by the Jhelum River Bridge at Domel—much bombed but still unhit by the Indian Air Force.

Their fighting leader is Major Khurshid Anwar, formerly of I.N.A., who has been leading his men for weeks in desperate night sorties against the Srinagar airfield. His second in command is Major Aslam Khan, whose accurate handling of captrured mortars, according to Smith, broke the Sikhs' first stand at Baramula. Aslam Khan told Smith: "You can describe me as a deserter from Pakistan Army". One month before the Kashmir invasion, says Smith, 250 fifth columnists were sent to Srinagar for sabotage and espionage. Anwar also brought in with invading forces a staff of R.A.F. radio operators with war experience and equipment. He confessed to Smith: "The Srinagar airfield is our first objective. If only we had been able to prevent our men stopping to loot, we would have been in Srinagar before the Indians, within 48 hours of crossing the border".

"Every tribal leader agrees on war aims. They are to wipe out Hari Singh's minority rule in Kashmir; to march on and exterminate the chief Sikh State, Patiala; to capture Amritsar and try one day to reach New Delhi",, Smith concludes. (Extracts from a despatch by Sydney Smith in the *Daily Eepress*, London, on November 10th. This despatch is from Abbottabad. Smith was a captive in Baramula under the raiders.)

(16)

"Palandari, a primitive mountain town is today headquaters of an organised Muslim military and political rebellion aimed at driving Kashmir to Pakistan.

"Many here resent the Indian Government's action in sending troops to support the Maharaja. A young captian said: If we are left alone without any outside help on their side, we

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will finish the Maharaja within a few weeks. There is no alternative but to fight or die."

"I am an officer of the Pakistan Army but I know Pakistan cannot help and I won't return to the Army until my people are free.

"The rebels claim that they have in the field two complete brigades of about 3,000 men each, armed with local-made single shot rifles supplemented by captured bren guns and mortars.

"There is no shortage of trained officers. Besides retired King's Commissioned Officers, the rebels have several young Muslim Officers who deserted the Maharaja's forces and a few Pakistan Army Officers who have taken leave to fight with their people." (*Hindustan Times*, 11th November 1947. By a correspondent of the *United Press of America*.)

(17)

Jammu, December 16th.—While King Zahir Shah of Afghanistan wanted his subjects to remain aloof and not to visit India this year as there was trouble, Pakistan officials have tried hard to persuade Afghans to join the raiders invading Jammu and Kashmir.

This was revealed by Lal Mir, an Afghan from Ghazni, in a statement before Mr. G. C. Bali, of the Kashmir Government, C.I.D. Lal Mir was among the party of raiders taken prisoner last week by Indian troops operating on the Pakistan-Jammu border.

Lal Mir said that he left his home a month ago along with 1,000 Afghangs for India *via* Khust. Before leaving, Chief Maliks were sent for by the King of Afghanistan to visit Kabul where a meeting was held. The King advised them not to visit India this year as there was trouble and he wanted his subjects to remain aloof. The Maliks on return from Kabul conveyed the King's message, but because of snowfall and cold they decided to leave for India.

The Afghan said: "From Ghazni we marched in a caravan to Kust and thereafter reached Miran Shah, the headquarters

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of the Political Officer, North Waziristan. There the Political Officer called on us and made some purchases. He talked to the Maliks for a considerable time about happenings in India and informed us about the fight between Kafirs and Muslims and said that Muslim women were being molested and abducted by the Hindus while men, young and old, were being killed.

"From Miran Shah, we proceeded to Drey Gundari (a town on the border-line of the tribal territory). At the fort here, it was a common practice that whenever we used to come to India, we were disarmed and all arms used to be kept in the fort till our return. This year we were allowed to enter with arms."

Recalling his party's first direct contact with the raiders' agents, Lal Mir, said: "Muslim League leaders and officials told us that atrocities were being committed on Muslims and we were taken to Khoshab (West Punjab). Pir of Wana and others visited us and appealed in the name of Islam to fight the "Kafirs"

"We were brought to Wazirabad. Pakistan Army, police as well as Frontier Constabulary officials were present. Here arms and ammunition were issued to those who had none and good ones were given to those who had old rifles. There were different types of arms and we were asked to choose as we linked."

Stating that all able-bodied men who were selected from the party joined the raiders at the Jammu border, Lal Mir further disclosed that supply of arms; ammunition and food, and conveyance were arranged by Pakistan Government officials in camps at Wazirabad.—(*United Press of India*).

(18)

Lahore.—"For the first time since the tribes erupted into Kashmir and West Punjab, an armed band has reached Lahore, nearly 300 miles from the entrance to the Khyber Press. It is quartered within 100 yards of the West Punjab Assembly, in an old hotel originally requisitioned by the Provincial Government for a refugees' relief headquaters.

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"The men, who are of the Suleiman Khel and Shinwari tribes are behaving with their usual abandon and disregard for conventions. Tribal dances are now being held on the lawn of the hotel and drum-beats throb down the Mall. In spite of a recent local ordinance prohibiting the bearing of arms, every man is carrying a rifle, the firing of which appears to express his appreciation of the dances. So far these "joy-shots" have not reminded the police of their duty.

"Later today many of them danced through the streets to bid farewell to some of their comrades who were leaving for Jammu. Before Queen Victoria's statute in Charing Cross they paused, still dancing. They appeared to be in happy mood, but as the procession proceeded down the Mall the tempo of the drum quickened and a fusillade of rifle shots stampeded some horses and a small camel caravan. The Mullah who was leading the procession waved oncoming traffic to a standstill and the tribesmen, wildly gesticulating with their rifles danced in ever decreasing circles around the stationary vehicles.

"Later they turned off the Mall for an embussing point and passed by the office of the Inspector-General of Police. Policemen standing outside watched impassively. In fact during the time your Correspondent accompained them the only police action taken was by three constables on point duty who obligingly held up the traffic.

"The leaders of the men, some of whom were at Gujrat at the time of the recent train massacre there, have expressed a desire to meet members of the United Nations Commission but their chief interests appear to be anti-communal". (*London Times*, dated 22nd January, 1948).

(19)

TELEGRAM, DATED 1ST DECEMBER 1947, FROM FOREIGN, NEW DELHI, TO PUNSG, LAHORE

For Prime Minister, Pakistan, from Prime Minister, India.

I have also been informed that 3,000 abducted Hindu women have been brought to Gujrat from the Bhimbar area and they are being sold like cattle at Rs. 150 each. I am asking

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an officer on the staff of the Deputy High Commissioner at Lahore to go personally to make enquiries to Gujrat district and I hope you will ask West Punjab Government to give him all facilities.

(20)

London, February 20th.—"There is no possible doubt that if India had not intervened last October, Srinagar and the lovely Valley of Kashmir would now be a devastated and blackened ruin. Nor can there be any question that encouragement and aid have been given to the tribesmen in Pakistan", says Mr. Kingsley Martin in a despatch from Jammu to the *New Statesman and Nation*.

"A short visit to Kashmir", he writes, "has given me the opportunity of judging India's case at first hand. The basic fact.....is that Britain defended the North-West Frontier of India, not only with several brigades of troops but more effectively by subsidy of several million pounds a year to the tribesmen.

"Pakistan has not paid any subsidy and has endeavoured to kill two birds at one stroke by permitting the tribes to loot Kashmir".

Referring to the treatment of India's case at Lake Success, Mr. Martin remarks: "India deserved to have its appeal honestly considered and not side-tracked.....The Security Council's refusal to face the straight issue put to it has convinced almost every one in India that the case has not been considered on its merits but subordinated to uses of power politics. In particular, it is said that one of the underlying factors has been the Anglo-American concern about bases in Pakistan.

"The result is a very rapid change in India's feeling towards Britain.....A few weeks ago it was confidently expected that India would decide to remain part of the Commonwealth. This, I believe, is still undecided, but certainly no one should be surprised if India now prefers a completely separate status".

Explaining how he came to the conclusion that Pakistan was helping the raiders after questioning Pathan prisoners, seeing up-to-date weapons, uniforms and army pay-books

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captured by the Indian Army, Mr. Martin says: "Evidence of this kind can be multiplied indefinitely; and having sat in the operation room of Jammu headquarters, I can also testify that the Indian Command takes the utmost care in using its aircraft against raiding parties until it is completely assured that they are hostile groups and well within the Kashmir frontier. The devastation caused by these raiders can be seen any day as one proceeds by jeep on the rough and precarious road which is the only link between India and Kashmir.

"As long as Pakistan cares to allow these raids to proceed, they cannot be stopped, for nature never meant there to be a frontier between Jammu and the Punjab. You might as well talk of a frontier between Norfolk and Suffolk.....According to the India view, which on this point seemed irrefutable, these raids constitute invasion of Indian territory. Legally, there is no doubt that the Maharaja of Kashmir after long hesitation and after vainly asking for Pakistan's protection against the tribesmen acceded to India and that the Indian troops did not enter Kashmir until he invited them.

"It is said that India acted illegally in the case of Junagadh. A decisive reply is that in the case of Junagadh, Pakistan itself laid it down that the head of the State alone had a right to decide on the question of accession. Moreover, India strengthened her case on both occasions by making accession provisional pending the resuts of plebiscite.

"In the case of Kashmir, India also insisted on the abolition of the Maharaja's oppressive regime and the recognition of Sheikh Abdullah as the popular Head of the Emergency Administration. Certainly one factor which has played an important part in the minds of the Indian leaders is that Sheikh Abdullah's administration provides an outstanding proof that India is not Hindustan, that there are Muslims who have voluntarily chosen to come into India which, as Pandit Nehru emphasised, should be a democracy in which minorities can live safely and freely.

"In this shot cable I am concerned only to summarize the legal and moral case as India sees it because I know that the failure by the British delegates at U.N. and by a large part of

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the British Press to appreciate it, is doing great damage to Anglo-Indian relations. I believe India might have been ready to make concessions on the question of substituting an outside force for the Indian Army in Jammu and the Valley of Kashmir of the honesty and strength of their case against Pakistan had been recognised at Lake Success.

"Responsible Indian leaders, who are now engaged in suppressing the more fanatical communal Hindu bodies, fully realise the utterly disastrous consequences of war between India and Pakistan. That would mean victory in India of semi-fascist elements.....It would mean the end of hopes of social change which have animated the progressive side of the Congress.....It would probably involve international complications which would create in India and Pakistan conditions resembling those of the Spanish Civil War. In the Indian and Pakistan Armies the possibility of war is viewed with incredulous horror.....But the question remains of Pakistan's desire for peace and of how to rid Kashmir and India of tribal raids. This once more means joint defence and large subsidies."

(21)

Evidence of the character of the tribesmen who were allowed free transit through Pakistan to Kashmir, and of the failure of the Pakistan authorities to exercise any form of control over them, is provided by the tragic incident which occurred at the Gujrat railways station in West Punjab (Pakistan) on the night of the 11th January 1948. A train carrying approximately 3,200 non-Muslim refugees from Bannu in the North-West Frontier Province, which was on its way to India, was diverted to Gujrat instead of taking the normal route *via* Lyallpur, after a conference between Pakistan police and railway officials at intermediate station. The train was not supposed to stop at Gujrat but was halted there at about midnight, ostensibly to have a tail-lamp attended to. The train was left on an unprotective siding and the engine was detached. There was on the train an Indian military escort numbering 60. In the small hours of the morning two members of the escort were deprived of their rifles in a scuffle with some persons, believed to be tribesmen, who were making

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their way to the train. Several hundred armed men, including both tribesmen and Muslim National Guards, are then reported to have attacked the train. Fighting continued until after day-break when the escort ran out of ammunition and was wiped out. The attackers then entered the train, killing and seizing the passengers and robbing them of their belongings. The casualties were extremely heavy, about half the passengers being killed, abducted or missing. Of the survivors hundreds were wounded, many of them bearing evidence of extreme brutality.

Commenting on this incident the *Pakistan Times*, a newspaper published at Lahore, wrote:

"It is difficult to believe that in the many hours that elapsed between the commencement of the trouble and its culmination nothing more could have been done to stop it than actually was done. Apart from the mad men who committed the crime, some official agency, we do not know who, must also share the blame for what has happened. There must have been either indifference or lethargy or a lurking unwillingness in some quarter that held back the hand of law from dealing out sterner measures before the foul deed was done".

DOCUMENTS PART IV.

(1)

TELEGRAM, DATED 25TH OCTOBER 1947, FROM FOREIGN, NEW DELHI, TO PRIME MINISTER, U.K., LONDON. REPEATED TO PRIME MINISTER, PAKISTAN, ON 26TH OCTOBER.

From Prime Minister, India.

1. A grave situation has developed in the State of Kashmir. Large numbers of Afridis and other tribesmen from the Frontier have invaded State territory, occupied several towns and massacred large numbers of non-Muslims. According to our information, tribesmen have been equipped with motor transport and also with automatic weapons and have passed through Pakistan territory. Latest news is that the invaders are proceeding up the Jhelum valley road towards the valley of Kashmir.

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2. We have received urgent appeal for assistance from the Kashmir Government. We would be disposed to give favourable consideration to such request from any friendly State. Kashmir's northern frontiers, as you are aware, run in common with those of three countries, Afghanistan, the U.S.S.R. and China. Security of Kashmir, which must depend upon its internal tranquillity and existence of stable Government is vital to security of India, especially since part of southern boundary of Kashmir and India are common. Helping Kashmir, therefore, is an obligation of national interest to India. We are giving urgent consideration to the question as to what assistance we can give to the State to defend itself.

3. I should like to make it clear that question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with wishes of the people and we adhere to this view. It is quite clear, however, that no free expression of the will of the people of Kashmir is possible if external aggression succeeds in imperilling the integrity of its territory.

4. I have thought it desirable to inform you of the situation because of its threat of international complications.

(2)

Following is text of letters that were exchanged between His Excellency the Governor-General and His Highness the Maharaja of Jammu and Kashmir.

26th October 1947.

Begins:

MY DEAR LORD MOUNTBATTEN,

I have to inform Your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As Your Excellency is aware the State of Jammu and Kashmir has not acceded to either the Dorminion of India or

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to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominion of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, whether it is not in the best interest of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into a standstill agreement with my State. The Pakistan Government accepted this arrangement. The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated belew. In fact the Pakistan Government under the standstill agreement are operating Post and Telegraph system inside the State.

Though we have got a standstill agreement with the Pakistan Government, that Government permitted steady and increasing strangulaton of supplies like food, salt and Petrol to my State.

Afridis, Soldiers in plain clothes, and desperadoes, with *modern* weapons, have been allowed to infilter into the State at first in Poonch area, then in Sialkot and finally in mass in the area adjoining Hazara district on the Ramkote side. The result has been that the limited number troops at the disposal of the State had to be dispersed and thus had to face the enemy at several points simultaneously that it has become difficult to stop the wanton destruction of life and property and looting. The Mahoora Power House which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the Summer Capital of my Government, as a first step to overrunning the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the N.W.F. Province coming regularly in Motor Trucks using Mansehra-Muzaffarabad road and fully armed

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with up-to-date weapons cannot possibly be done without the knowledge of the Provincial Government of the N.W.F. Province and the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or stop them from coming to my State. In fact both the Pakistan Radio and Press have reported these occurrences. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State both the Muslisms and non-Muslims generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to freebooters. On this basis no civilised Government can exist or be maintained. This alternative I will never allow to happen so long as I am the Ruler of the State and I have life to defend my country.

I may also inform Your Excellency's Government that it is my intention at once to set up an Interim Government and ask Sheikh Abdulla to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you if further explanation is needed.

In haste and with kindest regards,

(Sd.) HARI SINGH. *Ends.*

(3)

REPLY FROM GOVERNOR-GENERAL, INDIA, NEW DELHI, DATED THE 27TH OCTOBER 1947.

Begins:

MY DEAR MAHARAJA SAHIB,

You Highness's letter, dated the 26th October has been

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delivered to me by Mr. V.P. Menon. In the special circumstances mentioned by Your Highness, my Government have decided to accept the accession of Kashmir State to the Dominion of India. Consistently with their policy that, in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that, as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people. Meanwhile, in response to Your Highness's appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir to help your own forces to defend your territory and to protect the lives, property and honour of your people.

My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdulla to form an Interim Government to work with your Prime Minister.

MOUNTBATTEN OF BURMA. *Ends.*

(4)

TELEGRAM, DATED 28TH OCTOBER 1947, FROM FOREIGN, NEW DELHI, TO PRIME MINISTER, PAKISTAN, LAHORE, (FOREIGN, KARACHI)

For Mr. Liaquat Ali Khan from Jawaharlal Nehru.

I have communicated to you text of telegram I sent to Prime Minister, United Kingdom, regarding Kashmir situation. I have also sent you text of correspondence between Governor-General, India, and Maharaja, Kashmir, regarding accession of Kashmir State to Indian Union. I have sent a further message to Prime Minister, U.K., informing him of imminent peril of Srinagar and Kashmir from raiders and of action we have taken to give protection to people there.

I want to invite your Government's co-operation in stopping these raiders entering Kashmir territory from Pakistan. These raids have already resulted in large scale death and destruction and if they are not stopped immediately will lead

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to ruin of Kashmir. The consequence of success of such irresponsible raiders anywhere will be far-reaching all over India. Therefore in interest of both Pakistan and Indian such raids must be stopped. As raiders come across Pakistan territory it should be possible to stop them there.

I wish to assure you that action Government of India has taken has been forced upon them by circumstances and imminent and grave danger to Srinagar. They have no desire to intervene in affairs of Kashmir State after raiders have been driven away and law and order established.

In regard to accession also it has been made clear that this is subject to reference to people of State and their decision. Government of India have no desire to impose any decision and will abide by people's wishes. But these cannot be ascertained till peace and law and order prevail. Protection of Kashmir from armed raids thus becomes first objective and in this we trust we shall have your co-operation.

(5)

EXTRACT FROM TELEGRAM, DATED 28TH OCTOBER 1947, FROM FOREIGN, NEW DELHI, TO PRIME MINISTER, PAKISTAN, LAHORE

I would welcome an early opportunity of meeting you and discussing various problems that have arisen, more specially developments in Kashmir about which I have informed you. I earnestly hope that there will be co-operation between Pakistan and India in stopping raids and putting down disorder and then leaving choice about future to people of Kashmir. I am glad to learn that you are likely to visit Delhi for Joint Defence Council meeting soon.

(6)

TELEGRAM, DATED 30TH OCTOBER 1947, FROM PUNSG, LAHORE, TO FOREIGN, NEW DELHI.

For Pandit Nehru from Liaquat Ali Khan. I have received your telegrams including thar of 28th October to which I reply. The position is that Sikh attacks on Muslims in East Punjab

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in August greatly inflamed feeling throughout Pakistan and it was only with greatest difficulty that Pathan tribes were prevented from entering West Punjab to take revenge on Hindus, and Sikhs. Muslims in Poonch were attacked and those in Jammu massacred by mobs led by Kashmir State Forces and when it was evident that there was to be a repetition in Kashmir of that in East Punjab it became impossible wholly to prevent tribes from entering that State without using troops which would have created a situation on frontier that might well have got out of control.

Your recent action of sending troops to Kashmir on pretext of accession has made things infinitely worse. The whole of the frontier is stirring and feeling of resentment among tribes is intense. The responsibility for what is happening is entirely yours. There was no trouble in Poonch or Jammu till State troops started killing Muslims. All along Kashmir Government has been in close touch with you. At the same time they ignored or refused our offers of friendly discussion. On 2nd October I suggested that both Pakistan and Kashmir should appoint representatives to discuss supplies to Kashmir and mutual allegations of border raids. The Prime Minister, Kashmir, replied that he was too busy. When in spite of this we sent Shah, Joint Secretary, Ministry of Foreign Affairs, and States to Kashmir the Prime Minister refused to discuss with him. On 15th October Prime Minister, Kashmir, threatened that unless we agreed to an impartial enquiry into what was happening he would ask for assistance to withstand aggression on his borders. We immediately agreed to an impartial enquiry since when no more has been heard from Kashmir of this proposal.

The Pathan raid on Kashmir did not start till 22nd October. It is quite clear therefore that Kashmiri's plan of asking for Indian troops—and it could hardly have been unilateral—was formed quite independently of this raid and all evidence and action taken shows it was pre-arranged. It would seem rather to have been made after failure of their troops to suppress people of Poonch and in anticipation of reaction which they expected to their massacre of Moselems in Jammu.

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I in my turn appeal to you to stop the Jammu killings which still continue. Yesterday West Punjab was again invaded by a well armed mob who after a fight with villagers retreated leaving two Gurkha soldiers in uniform dead behind them. As long as this sort of thing continues passions are bound to become further inflamed.

(7)

TELEGRAM, DATED 31ST OCTOBER 1947, FROM FOREIGN, NEW DELHI, TO PUNSG, LAHORE, FOREIGN, KARACHI.

From Jawaharlal Nehru for Mr. Liaquat Ali Khan. Your Telegram dated 30th October. I have repeatedly expressed to you my sentiments regarding the cycle of retaliation which has plunged West and East Punjab in tragedy. Both in public and private I have condemned atrocities irrespective of community of the perpetrators Sikh. Hindu or Muslim. If Hindus and Sikhs have killed or driven out Muslims in any part of Kashmir I condemn their action without reserve. I find it impossible, however, to accept either your version of the causes and course of attack on Kashmir or the *baseless* suggestion that we have sent troops to Kashmir on pretext of "accession." Weare perfectly willing to have all events investigated during last 15 months to find out what have been basic causes and on whom blame rests. What has happened in Kashmir stands apart and must be judged as such more specially in view of imminent danger of widespread disaster which Kashmir valley has had to face which would have the most far-reaching consequences in regard to relations between India and Pakistan.

2. The Government of India entirely agree that no raids from one territory to another should take place and they must be stopped by all means at our disposal. It is patent that they have had nothing to do even remotely with occurrences in or near Kashmir State till they sent their troops to Srinagar on 27th October. Before accession Kashmir was not our responsibility even though we were greatly interested in its future. We were not consulted by the Kashmir Government about any steps they may have taken or any correspondence with you. Our knowledge of what occurred then was derived largely from

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statements appearing in the press. From these statements it appears that the Kashmir Government's account is materially different from what you have given and according to them many raids have taken place from West Punjab into Jammu Province. As a matter of fact today a considerable part of Jammu Province has been occupied by raiders from West Punjab. These raiders are provided, according to reports, with the most modern weapons including flame-throwers. In these circumstances it is curious to state that aggression was from Kashmir State.

3. No impartial person could regard the military operations which for some weeks have been in progress against Kashmir as other than well-organised, well planned and the result of most careful preparation. These operations certainly did not start on 22nd October. What started on the 22nd October was raid from North-West Frontier Province. Its timing, mobility and speed are more suggestive of a concerted link between this operation and the operation which has been in progress on Kashmir's western borders than of a sudden tribal eruption inspired by communal happenings in the Punjab. In addition to this we have reliable information that regular Pakistan troops in large numbers were concentrated near the Kashmir border at Kohala as well as on the Jammu border and that they were prepared to enter Kashmir in the wake of the raiders.

4. You say that all along the Kashmir Government has been in close touch with us. You also say that Kashmir's plan of asking for Indian troops was formed quite independently of the recent raids. Indeed you even suggest that the request for Indian troops was inspired by us. I repudiate both the statement of alleged fact and the insinuation. Until the Pathan raid started we had no request from Kashmir State for military aid and the question was never considered by us. Some weeks ago we were told by the Kashmir Government that essential supplies had been stopped by the Pakistan Government and we were requested to send some of these essential supplies. A request was also made for arms which was referred, in common with requests from other States, to our States and Defence Ministries. This was sanctioned but as a matter of fact no arms

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were sent to them at all as this matter was not considered very urgent. It was at 11 p.m. on the 24th October that an urgent and specific request was made to us for the first time for troops to be sent. We considered this on the 25th in our Defence Committee and again on the 26th morning. In view of the imminent peril to the valley and the possibility of large-scale massacres, a decision was arrived at regarding accession and to send airborne troops the next day, the 27th October. You will appreciate that it would have been easy for us to send these troops earlier if we had intended doing so and thus stop the raiders at an early stage of their career along the Jhelum Valley road. Both military and other competent opinion has criticised us for being dilatory. At no time did we consider the question of sending troops to Kashmir previous to the 25th October. The earlier visits of the Kashmir officials were concerned with supplies and no question of giving military help arose.

5. Kashmir's accession to India was accepted by us at the request of the Maharaja's Government and the most numerous representative popular organisation in the State which is predominently Muslim. Even then it was accepted on the condition that as soon as the invader has been driven from Kashmir soil, and law and order restored, the people of Kashmir would decide the question of accession. It is open to them to accede to either Dominion then. Had we desired a pretext either for Kashmir's accession or for sending our troops there we should not have waited to accomplish our purpose until half of the valley of Kashmir and parts of Jammu Province had been given to fire and sword and Srinagar itself was in peril of capture by the raiders with all its horrors.

6. I have no doubt that you realise that the raiders from the Frontier Province or along the Murree road come from Pakistan territory and it is the easiest thing in the world to stop them at the two bridges which connect Pakistan territory to Kashmir. They were not so prevented and their equipment and arms including artillery and automatic weapons bear witners to every help being given to them. We are credibly informed that regular officers of the Pakistan Army are advising the raiders. Even now it should be easy for your Government

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to stop the passage of these raiders or their supplies to Kashmir territory completely.

7. Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your Government but also to the people of Kashmir and to the world. You lay on us the responsibility for what is happening. I should have thought that this could more appropriately and fairly be placed on those who have been attacking and invading Kashmir. To accuse us of provocation and aggression when all that we have done is to go to the rescue of a people threatened with loss of life, property and honour, is a singular perversion of truth and reason. It gives me no pleasure to write to you in this strain. I am convinced that if Pakistan and India are to live in peace, leaders on both sides must have trust in one another and act with understanding and restraint. Mutual mistrust and recrimination can only lead to conseqnences which would be to the advantage of neither India nor Pakistan. I have done everything possible to think and act in this spirit. It was not possible for us to refuse the request of the Kashmir Government to help them prevent raiding bands from committing massacre, arson and loot and ruining Kashmir. I should have thought that it was equally to your advantage to prevent this and hence my appeal to you to stop these raiders at the source.

9. I have no knowledge of the raid you refer to in Jammu in your last paragraph. I am inquiring about it. We shall certainly do our utmost to stop all raids and I appeal to you to do the same. I understand, however, that there is concentration of Pakistan troops on the Jammu border.

Pandit Jawaharlal Nehru, Prime Minister, in a broadcast from New Delhi on November 2nd said:

I want to speak to you tonight about Kashmir, not about the beauty of that famous valley, but about the horror which it has had to face recently. We have passed through very critical days and the burden of taking vital and far-reaching decisions has fallen upon us. We have taken those decisions and I want to tell you about them.

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The neighbouring Government, using language which is not the language of Governments or even of responsible people, has accused the Government of India of fraud in regard to the accession of Kashmir to the Indian Union. I cannot emulate that language nor have I any desire to do so, for, I speak for a responsible Government and a responsible people. I agree that there has been fraud and violence in Kashmir but the question is: "who is responsible for it?" Already considerable parts of the Jammu and Kashmir State have been overrun by raiders from outside, well-armed and well-equipped, and they have sacked and looted the towns and villages and put many of the inhabitants to the sword. Fightfulness suddenly descended upon this lovely and peaceful country and the beautiful city of Srinagar was on the verge of destruction.

I want to say at once that every step that we have taken in regard to Kashmir has been taken after the fullest thought and consideration of the consequences and I am convinced that what we have done was the right thing. Not to have taken those steps would have been a betrayal of a trust and cowardly submission to the law of the sword with its accompaniment of arson, raping and slaughter.

For some weeks past we had received reports of infiltration of raiding bands into the State territory of Jammu Province. Also of a concentration of armed men near the border of Kashmir with the North-West Frontier Province. We were naturally concerned about this not only because of our close ties with Kashmir and her people but also because Kashmir is a frontier territory adjoining great nations and therefore we were bound to take interest in the developments there. But we were anxious not to interfere and we took no step whatever to intervene even though a part of Jammu Province was overrun by these raiders.

It has been stated that there were raids from the Jammu side across the Pakistan border and that there was communal trouble in Jammu and Muslims were killed and driven away. In the past we have not hesitated to condemn evil, however might have committed it, whether Hindu or Sikh or Muslim, and so if Hindus or Sikhs or any functionaries of the State

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misbehaved in Jammu Province, certainly we condemn them and regret their deeds.

But I have before me a detailed list of 95 villages in the Jammu Province which have been destroyed by the raiders from Pakistan. Bhimbar, a considerable town, had also been sacked and destroyed. Other towns are besieged and a considerable part of Poonch and Mirpur areas is in possession of the raiders. Does this indicate that aggression took place from the Kashmir side on to West Punjab or does it not show that there has been continuous organised aggression from West Punjab into Kashmir State? There raiders possess the latest type of modern arms. It is reported that they have used flame-throwers and a disabled tank has been discovered with them.

About this time we were asked by the Kashmir State to provide them with arms. We took no urgent steps about it, and although sanction was given by our States and Defence Ministries, actually no arms were sent.

On the night of the 24th October I learnt of another raid, this time from the Abbottabad-Mansara Road which enters Kashmir near Muzaffarabad. We were told that armed and well-equipped persons in over one hundred lorries had broken in, had sacked Muzaffarabad and killed many persons there, including the District Magistrate and were proceeding along the Jhelum Valley road towards Srinagar. The State forces were spread out in small numbers all over the State and they could not stop this armed and well-organised raid. The civil population, Hindu and Muslim, fled before the raiders.

It was on the 24th night that for the first time a request was made to us on behalf of the Kashmir State for accession and military help. On the 25th morning we considered this in the Defence Committe but no decision was taken about sending troops in view of the obvious difficulties of the undertaking. On the 26th morning we again considered this matter. The situation was even more critical then. The raiders had sacked several towns and had destroyed the great Power House at Mahoora which supplies electricity to the whole of Kashmir. They were on the point of entering the valley. The fate of Srinagar and the whole of Kashmir hung in the balance.

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We received urgent messages for aidnot only from the Maharaja's Government but from representatives of the people, notably that great leader of Kashmir, Sheikh Mohammed Abdullah, the President of the National Conference. Both the Kashmir Government and the National Conference pressed us to accept the aceession of Kashmir to the Indian Union. We decided to accept this accession and to send troops by air, but we made a condition that the accession would have to be considered by the people of Kashmir later when peace and order were established. We were anxious not to finalise anything in a moment of crisis, and without the fullest opportunity to the people of Kashmir to have their say. It was for them ultimately to decide.

And here let me make clear that it has been our policy all along that where there is a dispute about the accession of a State to either Dominion, the decision must be made by the people of that State. It was in accordance with this policy that we added a proviso to the Instrument of Accession of Kashmir.

We decided to send troops on the afternoon of 26th October. Srinagar was in peril and the situation was urgent and critical. Our staff worked hard that day and night, and at day-break on the 27th our troops went by air. They were small in numbers to begin with, but immediately on arrival they rushed into action to stop the invader. Their gallent Commander, a brave officer of our Army, was killed the next day.

Since then, troops and equipment have been flown over daily, and I should like to express my high appreciation and the appreciation of my Government for the fine work which our staff have done, as well as the pilots and the air crews who have thrown themselves into this adventure with heart and soul. The air lines have co-operated with us fully and to them also I am grateful. Our youngmen have shown how they can rise to the occasion in a moment of crisis to serve their country.

Srinagar was in peril and the invader was almost on its door step. There was no administration left there, no troops, no police. Light and power had failed and there were a vast number of refugees there and yet Srinagar functioned without

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obvious panic and the shops were opened and people went about the streets. To what was this miracle due? Sheikh Abdullah and his colleagues of the National Conference and their unarmed volunteers, Muslim and Hindu and Sikh, took charge of the situation, kept order and prevented panic. It was a wonderful piece of work that they did at a moment when the nerves of most people might have failed them. They did so because of the strength of their organisation, but even more so because they were determined to protect their country from the ruthless invader who was destroying their country and trying to compel them by terrorism to join Pakistan. Whatever the future may hold, the people of the Valley of Kashmir have exhibited during these past few days remarkable courage, capacity for organisation and unity.

It would be well if this lesson was understood by the whole of India which has been poisoned by communal strife. Under the inspiration of a great leader, Sheikh Abdullah, the people of the Valley, Muslim and Hindu and Sikh, were together for the defence of their common country against the invader. Our troos could have done little without this popular support and co-operation.

The Maharaja of Kashmir deserves to be congratulated on his decision to make Sheikh Abdullah the head of the administration at this critical juncture. That was a wise step which other rulers might well follow, making their people trustees and defenders of freedom.

It must be remembered, therefore, that the struggle in Kashmir is a struggle of the people of Kashmir under popular leadership against the invader. Our troops are there to help in this struggle, and as soon as Kashmir is free from the invader, our troops will have no further necessity to remain there and the fate of Kashmir will be left in the hands of the people of Kashmir.

We have passed through days of peril not only for Kashmir but for the whole of India. That peril is less now, but it is by no means over and many dangers confront us. We have to be very vigilant and well prepared for whatever may happen. The first step in this preparation is to put an end completely to

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every manner of communal strife in India, and to stand up as a united nation to face every danger which might threaten our freedom. External danger can only be faced effectively when there is internal peace and order, and an organised nation.

We talk about the invaders and raiders in Kashmir, and yet these men are fully-armed and well-trained and have competent leadership. All of these have come across and from Pakistan territory. We have a right to ask the Pakistan Government how and why these people could come across the Frontier Province or West Punjab, and how they have been armed so effectively. Is this not a violation of International Law and an unfriendly act towards a neighbour country? Is the Pakistan Government too weak to prevent armies marching across its territory to invade another country, or is it willing that this should happen? There is no third alternative.

We have asked the Pakistan Government repeatedly to stop these raiders from coming, and to withdraw those who have come. It should be easy for them to stop them for the roads into Kashmir are very few and have to pass over bridges. We on our part have no intention of using our troops in Kashmir when danger of invasion is passed.

We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharaja has supported it, not only to the people of Kashmir but to the world. We will not, and cannot back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations. We want it to be a fair and just reference to the people, and we shall accept their verdict. I can imagine no fairer and juster offer.

Meanwhile we have given our word to the people of Kashmir to protect them against the invader and we shall keep our pledge.

(9)

TELEGRAM, DATED 3RD NOVEMBER 1947, FROM FOREIGN, NEW DELHI, TO PUNSG, LAHORE

Following for Liaquat Ali Khan from Jawaharlal Nehru.

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I have received no reply yet from you to my telegram, dated 31st October, regarding Kashmir.

Reference to last paragraph of your telegram, dated 30th October. I have enquired from Prime Minister, Kashmir about alleged raid. His reply sent after investigation is that there was no raid from Kashmir side to West Punjab but there was a raid from West Punjab side into Jammu Province. This was resisted by villagers and State troops and two Gurkha soldiers were killed in Kashmir territory. Appatently their bodies were dragged aways by the raiders into West Punjab.

I am informed that in Jammu Province situation is well in hand except in areas under the occupation of raiders who are continuing their depredations. Kashmir Government is protecting Muslims in Jammu and the border would be quite safe but for raids from West Punjab.

I have repeatedly requested you to stop raiders from entering Kashmir territory from Pakistan both in Jammu Province and along the Jhelum valley road. Our information is that these raiders are being helped by high Pakistan officials. Indeed Prime Minister of North-West Frontier Province has openly declared that these raiders should be helped. We have definite information of senior officials of the Frontier Province giving every assistance to these raiders. We put it to you that this is not only against your own declaration but also is a breach of International Law. We trust that you will take immediate steps not only to stop further raiders from coming into Kashmir State territory but order withdrawal of all those who are already in Kashmir State.

We are anxious to restore peaceful conditions in Kashmir and we invite your co-operation again to this end. This can only be done after the withdrawal of the raiders who have inflicted tremendous damage in the State territory. As soon as raiders are withdrawn there would be no necessity for our keeping our troops there.

I wish to draw your attention to the broadcast on Kashmir which I made last evening. I have stated our Government's policy and made it clear that we have no desire to impose our

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will on Kashmir but to leave final decision to the people of Kashmir. I further stated that we have agreed to an impartial international agency like the United Nations supervising any referendum. This principle we are prepared to apply to any State where there is a dispute about accession. If these principles are accepted by your Government there should be no difficulty in giving effect to them.

(10)

TELEGRAM, DATED THE 4TH NOVEMBER 1947, FROM FOREIGN, NEW DELHI, TO PUNSG, LAHORE

Personal for Mr. Liaquat Ali Khan from Prime Minister, India.

Governor-General, India, has told me of his conversation with you in Lahore and I am happy that you will be fit enough to come to Delhi for the Joint Defence Council meeting on Saturday. That will give us an opportunity of personal discussion which is desirable. I hope you will be quite well soon.

(11)

TELEGRAM, DATED THE 4TH NOVEMBER 1947, FROM FOREIGN, NEW DELHI, TO PRIME MINISTER, PAKISTAN, LAHORE

For Prime Minister, Pakistan from Prime Minister, India.

Kashmir, Continuation my telegram, dated 3rd November. Further reports state that raids continue to be made from the Pakistan side into Jammu Province. On first November following villages within five miles of the border were sacked and burnt colon Chak Palango, Shibo Chak, Bahadurpur, Swankha, Abtal, Raika, and Majua. It is stated that armoured cars and three inch mortars were used by the raiders. On second November there was raid on Hiranagar across the border from West Punjab. I have already informed you of the sack and burning of Bhimbar town. Further particulars of this have reached us. Raiders came in military formation and were well-equipped with automatic weapons and mortars. They had also armoured cars. After the destruction of the town there was large-scale massacre of men, women and children. According to

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report a thousand persons were killed and over hundred women were kidnappeal. The town was looted and many lorry loads of loot were taken away to West Punjab.

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TELEGRAM, FROM PUNSG, LAHORE, TO FOREIGN, NEW DELHI, DATED THE 5TH AND RECEIVED 6TH NOVEMBER 1947

Following for Pandit Nehru from Liaquat Ali Khan:

Your telegram, November 5th.

When Governor-General, India, saw me on November 5th I informed him that I would attend meeting of Joint Defence Council on November 8th if I am fit enough to do so by then. Unfortunately I am still running a temperature and am in the same condition as when Lord Mountbatten saw me. If I am fit to travel I shall attend Joint Defence Council meeting on November 8th and also have a personal discussion with you.

(13)

The following is the text of Mr. Liaquat Ali Khan's broadcast on November 4th, from Lahore:

"I am speaking to you tonight from my sick-bed. I wish to talk to you about Kashmir, because the affairs of Kashmir have reached a critical phase and have now assumed international importance, and because I know that Kashmir is uppermost in your mind as it is in mine.

"In the exhilaration of self-styled gallantry and valour, some erstwhile sympathisers of the oppressed people of Kashmir seem to have forgotten the history of this beautiful land. Let us, therefore, briefly recall it for their benefit.

"This piece of God's earth along with the human beings inhabiting its hills and valleys was, under the infamous Amritsar Treaty, sold by the British to a Dogra chieftain for the paltry sum of Rs. 75 lakhs.

"The present Maharaja inherits the people of Kashmir from his forefathers as though they were so many cattle. It is this immoral and illegal ownership that the gallantry and valour o

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Indian troops is defending today by spilling the blood of the suppressed slaves who had been bartered away by the British.

"During the past 100 years of Dogra rule, this highly gifted and most attractive race of Kashmiris has been dragged down to the lowest depths of misery. In recent years they have made many attempts to fight for their freedom. Time and again they had been thwarted but time and again they have risen to defy tyranny.

"The fight is not yet at an end. But I would like my listeners to know that today the people of Kashmir are fighting not only for their freedom, but also for their very existence. For their misfortunes have, in recent months, taken on a darker side. They have been caught in the meshes of a widespread plan for the extermination of Muslims. This plan has succeeded in Alwar, in Bharatpur, in Patiala, in Faridkot, and in Kapurthala. And all these you will note are States that have acceded to the Indian Union.

"Only yesterday Muslims formed the majority of the population in Kapurthala. There are hardly any left there now. When we asked the India Government to protect the Muslims in these States, we were told that these events were the States' internal affairs and the India Government could not interfere. After the massacre of Muslims in East Punjab and the East Punjab States, the forces of annihilation turned to Jammu and Kashmir.

"Towards the end of September, the I.N.A. and the Rashtriya Sewak Sangh shifted their headquartes from Amritsar to Jammu, and thousands of Sikh refugees, so called, began to infiltrate into Kashmir. These socalled Sikh refugees came from East and not West Punjab. They came armed with modern weapons and were provided with more weapons by the State authorities. They set about their foul business in Jammu and Poonch repeating the horrible drama that they had enacted in East Punjab and with the same type of characters playing the leading roles.

"In the beginning of October, news of the bestial deeds perpetrated on the innocent people of Kashmir began to trickle through. In a short time the trickle became a torrent.

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Burning villages could be seen from the Murree Hills. Thousands of terror-stricken refugees poured into Pakistan.

"It was at this stage that the people of Kashmir, in sheer desperation, turned on their oppressors. Kashmiris, and specially the inhabitants of Poonch, have many relatives in Hazara and in West Punjab. Consequently feelings in certain parts of Pakistan rose very high and some people from the North-West Frontier Province and the tribal area, stirred by the atrocities in Kashmir, rushed to the aid of their brethren. It is the oppressed, enslaved and entrapped people of Kashmir struggling for their freedom and now for their lives and their sympathisers, whom the Indian Government is helping to wipe out. The declared object of the India Government is to strengthen the Maharaja's hands. How bloodstained these hands are is quite well-known to the leaders of India, even though they may choose to forget this fact now.

"The stress has deliberately been shifted to the so-called raiders, as if the people of Kashmir themselves had suddenly slipped off their minds the memory of the century-old oppression, and had overnight become enamoured of their tyrannical oppressors. To present the rebellion of an enslaved people to the world as an invasion from outside simply because some outsiders have shown active sympathy with it, is a dishonest rewriting of history.

"Much has been made of modern arms that are alleged to have been used against the Army and a tall structure of insinuation and innuendo has been built on this detail. It is, however, forgotten that many of those who are fighting the invading troops of India come from the 60,000 *ex*-Army men of Poonch who are not incapable of capturing the arms of their enemy.

"Let us, therefore, not be misled by the laboured picture, so elaborately drawn, of the gallant' Indian Army saving the beautiful land of Kashmir and its people from invading hordes. It is not invading hordes but the patriots of Kashmir that the Indian Army is shooting and bombing. It is not Kashmir but a tottering despot that the Indian Government and their camp-followers are trying to save.

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"In his broadcast, the Prime Minister of India has been tilting at windmills. The armies of Pakistan have not marched into Kashmir as the armies of India, in one guise or another, marched into Junagadh and Manavadar when these States acceded to Pakistan. The India Government regarded the accession of Junagadh to Pakistan as a threat to their security.

The accession of Kashmir to India is a much greater threat to the security of Pakistan. We do not recognise this accession. The accession of Kashmir to India is a fraud, perpetrated on the people of Kashmir by its cowardly Ruler with the aggressive help of the India Government.

"The release of Sheikh Abdualla who had been convicted of his treason, and the continued imprisonment of Muslim Conference leaders who had been convicted of mere technical offences, is only a part of the conspiracy. When the history of this tragic episode comes to be written, it will reveal the treachery of many self-styled patriots and lovers of justice. But the patriots of Kashmir will sooner or later prick this bubble, no matter how strong the forces arrayed against them. Our heart goes out to them—our brethren in this mortal struggle, for the choice before them now is freedom or death. If the plans of their enemies succeed, they will be exterminated as Muslims in various other parts of India have been exterminated. It is presumably after such extermination that the India Government propose that a referendum should be held. What use is a referendum after the voters have been driven away from their homes, or silenced in death?

"The world knows how we have consistently and repeatedly tried to reach a better understanding with the Kashmir Government. The Kashmir Government have ignored or rejected all these approaches. On October 2nd I suggested to the Prime Minister of Kashmir that all questions outstanding between the two States, including that of supplies under the standstill agreement and mutual accusations of border raids, should be discussed by representatives of the two Governments. The Prime Minister of Kashmir replied that at the moment he was too busy to discuss these matters. Nevertheless we sent a representative to Srinagar to discuss these matters with the

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State. The Prime Minister, however refused to hold discussions with him and he had to return.

On October 14th the Prime Minister of Kashmir in a telegram to me threatened that unless Pakistan agreed to an impartial inquiry he would be compelled to ask for outside assistance to withstand the unfriendly acts of Pakistan people on his border. I at once accepted the proposal for an impartial inquiry, and asked the Prime Minister of Kashmir to nominate a representative for this purpose.

"The Government of Kashmir have since made no further reference to this matter. On October 20th Mr. Jinnah in reply to a telegram from the Kashmir Government, called attention to the repeated attempts of Pakistan to improve its relations with Kashmir and asked the Prime Minister of Kashmir to come to Karachi and talk things over. No reply was sent to this request.

"Mr. Jinnah also pointed out that the threat to call in outside help amounted almost to an ultimatum, and showed that the real aim of the Kashmir Government's policy was to seek an opportunity to join the Indian Union by means of a *coup d' etal.*

"The refusal of the Kashmir Government to send a representative to discuss things and to nominate a representative for an impartial inquiry and their failure to reply to Mr. Jinnah's invitation to the Prime Minister to come to Karachi, their deliberate causing of disturbances in their State by employing their troops to attack Muslims, the fact that by 9 a.m. on the morning of the day on which Kashmir's accession was accepted Indian airborne troops had landed in Srinagar clearly show the existence of a plan for accession against the will of the people, possible only by occupation of the country by Indian troops.

"Even though all sorts of accusations were made against Pakistan by the Kashmir Government (and it was to redress these alleged wrongs that the India Government claims to have sent military aid to the Kashmir Government) yet at no stage did the Indian Dominion ask the Pakistan Government about these accusations and allegations or try to find a solution of

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this problem by joint consultation. It was only after India had accepted Kashmir's accession and sent forces into Kashmir that the Pakistan Government was informed of the action.

"After the unwarranted occupation of Kashmir by the India Government, Mr. Jinnah proposed that an immediate conference should be held in Lahore. It was to be attended by the Governors-General and the Prime Ministers of the two Dominions and the Maharaja and his Prime Minister. This invitation was accepted and the conference was to be held on October 29th. At the last minute the conference was postponed as Pandit Nehru fell ill. It was arranged then that the conference should be held on November 1st and attended by the Governors-General and the two Prime Ministers. This conference also did not take place because on the morning of November 1st again at the last minute we were informed that Pandit Nehru was not well enough to come to Lahore.

"In this way the idea of the conference receded into the background, so far as the Indian Dominion is concerned. If the India Government really wanted to discuss this most vital and urgent matter, surely the Deputy Prime Minister could have come in place of Pandit Nehru.

"On November 1st, Lord Mountbatten came to Lahore alone to attend the meeting of the Joint Defence Council and took the opportunity to see Mr. Jinnah. At this meeting certain suggestions were made to Lord Mountbatten, but no further communication has been received by me or Mr. Jinnah from the India Government. Instead, Pandit Nehru has chosen to hurl across the world reckless accusations against the Pakistan Government, regardless of true facts. His broadcast was arranged after Lord Mountbatten's return to Delhi, and what the validity of his accusations is I have already told you. That is where the matter stands today. The issues are for you and the world to judge".

(14)

TELEGRAM, DATED THE 6TH (RECEIVED 7TH) NOVEMBER 1947, FROM PUNSG, LAHORE, TO FOREIGN, NEW DELHI

Following for Pandit Nehru from Liaquat Ali Khan:

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Your telegrams, dated October 31st. and November 4th, regarding Kashmir.

In broadcast I made on evening of November 4th I gave a review of Kashmir situation and of events leading up to it. It is hardly necessary for me to go over the whole ground again or reply to your allegations in detail. But I must say that you are singularly misinformed about position in Jammu and Kashmir. In particular, your account of border incidents in Jammu and of conditions in Jammu is so contrary to facts that I can only conclude that Jammu and Kashmir Government are sedulously keeping truth away from you. Let me repeat that it is the Muslims in Jammu who are being massacred by the thousand every day with active assistance of State Police and military, who are also organising raids into West Punjab. When Kashmir Government made an offer of an impartial enquiry into these border incidents we accepted it at once. The Kashmir Government never broached the subject again. Your other allegations and insinuations are equally devoid of foundation and I emphatically repudiated them.

A day before your broadcast indicating policy of your Government a long discussion took place between Lord Mountbatten and the Qaid-e-Azam as a result of which the following proposals were put before Lord Mountbatten for communication to you and your Government:

1. To put an immediate stop to fighting; the two Governors-General should be authorised and vested with full powers by both the Dominion Governments to issue a proclamation forthwith giving 48 hours notice to two opposing forces to cease fire. We have no control over forces of Provisional Government of Kashmir or tribesmen engaged in fighting but we will warn them in clearest terms that if they do not obey order to cease fire immediately the forces of both Dominions will make war on them.

2. Both the forces of Indian Dominion and tribesmen to withdraw simultaneously and with utmost expedition from Jammu and Kashmir State territory.

3. With sanction of two Dominions Governments the two

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Governors-General to be given full power to restore peace, undertake administration of Jammu and Kashmir State and arrange for plebiscite, without delay, under their joint control and supervision.

Lord Mountbatten promised to let me know your Government's reply to these proposals but we have heard no more about them. Your Government's policy is vague. I still ask your Government to let me have your reply to our definite proposals.

(15)

TELEGRAM, DATED THE 8TH NOVEMBER 1947, FROM FOREIGN, NEW DELHI, TO PRIME MINISTER, PAKISTAN, LAHORE.

For Prime Minister, Pakistan, from Prime Minister, India. Your telegram, dated 6th November, about Kashmir was received today.

2. I regret that I have to disagree completely with your account of what has happened or is happening in Jammu and Kashmir State. We have received and are receiving full information from our own representatives in both Jammu and Srinagar, and this convinces us that your information is wholly wrong.

3. I regret also the tone and content of your broadcast of 4th November regarding Kashmir which indicated no desire to find method of settlement. It was merely an indictment which has no relation to fact.

4. In the last paragraph of your telegram you say that Lord Mountbatten promised to let you know the views of the Indian Government to the proposals discussed between the two Governors-General but that you have heard no more about them. On this point there seems to have been a misunderstanding.

5. Lord Mountbatten on his return from Lahore gave me a full account of his talk with Mr. Jinnah and in particular of two important suggestions which had been discussed namely (one) the withdrawal of Indian Dominion troops and tribesmen

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from Kashmir, and (two), the holding of a plebiscite at the earliest possible date.

6. As regards the first proposal Lord Mountbatten told me that Mr. Jinnah desired that the withdrawal of the Indian Dominion troops and tribesmen should be simultaneous but that he, (Lord Mountbatten), had pointed out that it was clearly impossible for the Indian troops to withdraw from Kashmir Valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir. Lord Mountbatten had also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary.

7. As regards the second point Lord Mountbatten reported that Mr. Jinnah had expressed the view that there was no hope of a fair plebiscite under the present Kashmir authorities. To meet this point Lord Mountbatten had suggested that it should be conducted under the auspices of U.N.O. Mr. Jinnah had put forward the counter-proposal that the two Governors-General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him to undertake this duty.

8. On the very day that I had this talk with Lord Mountbatten I made a broadcast in which the views of the Government of India on both these proposals were stated plainly and sincerely and I followed it up with a telegram to you indicating that they might form the basis of discussion at our next talk.

9. It is thus clear beyond any shadow of doubt that we did in fact put forward definite proposals as a basis for discussion between us, as soon as possible after Lord Mountbatten's return from Lahore.

10. I would have been glad to explain to you personally, at the meeting that had been arranged for tomorrow, the proposals we had put forward and the reasons for our inability to accept the proposals made to Lord Mountbatten by Mr. Jinnah. But since, unfortunately, you are unable to come, I must let you have my views upon them. They are as follows.

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11. As regards your proposals one and two:—a number of well-armed raiders have entered Kashmir to the accompaniment of massacre, arson and loot. Our troops have been sent there to drive out these raiders and protect Kashmir. So long as these raiders remain there, and law and order have not been established, our troops must discharge their duty. Afterwards they will be withdrawn, as I have already undertaken.

12. The raiders are either under your control, or they are not. If they are under your control you should withdraw them and, in any event, stop them coming through Pakistan territory into Kashmir. If they are not under your control and you can do nothing to stop them, then surely we are entitled to deal with them as we think best.

13. As regards proposal number three in your telegram of 6th October, we entirely endorse Lord Mountbatten's view (*vide* paragraph seven above).

14. It will thus be seen that our proposals which we have repeatedly stated are:—(one) that the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir; (two) that the Government of India should repeat their declaration that they will withdraw their troops from Kashmir soil as soon as the raiders have withdrawn and law and order are restored; (three) that the Governments of India and Pakistan should make a joint request to U.N.O. to undertake a plebiscite in Kashmir at the earliest possible date.

15. The above conclusions relate only to Kashmir, but it is essential, in order to restore good relations between the two Dominions that there should be acceptance of the principle that, where the ruler of a State does not belong to the community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is the same as the State's, the question whether the State should finally accede to one or the other of the Dominions should be ascertained by reference to the will of the people.

16. The Major-General commanding our forces in Jammu and Kashmir has been given the most explicit orders to do

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everything in his power to ensure that no victimisation of any community is permitted.

(16)

Mr. Liaquat Ali Khan, Prime Minister of Pakistan, on November 16th, issued the following Statement:—

"I have seen the press report of the speech made by the Deputy Prime Minister of India at a public meeting at Rajkot on November 12th and his subsequent speech at Junagadh, in the course of which he made various unfounded allegations against Pakistan, tried to justify the acts of aggression committed by the Indian Government in Manavadar, Junagadh and Kashmir, and threatened Hyderabad with similar aggression.

"I do not propose to emulate Mr. Patel by indulging in vituperative invectives or boastful threats. My firm and undeviating objective, as also the objective of the Pakistan Government, is to eliminate by peaceful and honourable means all existing causes of friction between the two Dominions and to establish conditions which would enable ourselves and our Indian neighbours to live in friendliness and amity.

"I believe that a true understanding between the two countries can be based only on a clear and dispassionate appreciation of the facts of the present situation. It is with a view to promoting such an understanding that I propose to restate the position of the Pakistan Government in respect of the States over which the present disputes have arisen.

"Hundreds of States, including States such as Kapurthala, had a Muslim majority in the population, acceded to the Indian Union, but in no case did the Pakistan Government interfere in any way. Junagadh was the first State to accede to Pakistan and at once the India Government started on a campaign of vilification, threats and economic blockade. When these weapons did not succeed in intimidating the Junagadh State, a 'Provisional Government' for Junagadh was set up on Indian soil and its first act was to occupy the Junagadh State property in Rajkot, which is the seat of the India Government's Regional Commissioner.

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"By infiltration tactics and other aggressive means, the 'Provisional Government', proceeded to violate the territory of Junagadh with the help of troops, many of whom were drawn from the Indian Army. Conditions were created in which it became impossible for the Junagadh Administration to function. Finally, on the alleged request of the Dewan, the administration was taken over and Junagadh was occupied by the armed forces of India.

"The indisputable legal position is that, in view of the State's accession to Pakistan, the Dewan had no right to proffer and the India Government had no right to accept the so-called invitation to the India Government to take over the administration of the State.

"In spite of the gravest provocation, we have refrained from any action which should result in armed conflict. We could with full justification and legal right, have sent our forces to Junagadh, but at no time since the accession of the State was a single soldier sent by us to Junagadh and our advice throughout to the State authorities was to exercise the greatest restraint.

"Manavadar, another State which had acceded to Pakistan, and Mangrol and Babariawad, have also been occupied by Indian troops.

"In the Kashmir dispute, too, we have repeatedly urged a peaceful settlement by negotiation. The Muslims of Jammu and Kashmir have suffered grievously under the Maharaja's Government. Thousands have been killed, Muslims women have been abducted in large numbers and over 100,000 Muslims have been driven out of their homes into Pakistan in a cruel and inhuman manner.

"This destruction of Muslim life, honour and property, is still continuing by armed mobs with the help of the State and India Union forces, with the set purpose of eliminating the Muslim population from the State, and thousands of refugees are pouring into Pakistan. Dogra troops and gangsters from the State have made numerous incursions into our territory in West Punjab.

"We made repeated attempts to persuade the Kashmir

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Government to discuss these questions with us, but they were determined to joint the Union of India against the will of the people of Kashmir by a *coup d'etat*.

"The India Government, in direct and clear repudiation of the principles on which they had questioned the accession of Junagadh to Pakistan, and without any reference to, or consulation with the Pakistan Dominion, whose security is vitally affected by events in Kashmir, occupied Kashmir by military force and have, since the very first day of their entry into Kashmir, been endeavouring in putting down the Muslims there by force.

"Pakistan territory itself has been twice violated by the Indian forces, Bombs have been dropped in our territory in the vicinity of the Kohala bridge and our police post at Ghari-Habibullah, in the Hazara district, has been machine-gunned by the Indian Air Force.

"Immediately after the unwarranted occupation of Kashmir by the India Government, a conference between the two Governors-General and the Prime Ministers of the two Dominions and the Maharaja and his Prime Minister was arranged at the instance of the Qaid-e-Azam on October 29th. At the last minute this conference was postponed as Pandit Jawaharlal Nehru fell ill. Another conference was then arranged for November 1st, but this also did not take place because Pandit Jawaharlal Nehru could not attend it.

"On November 1st the Qaid-e-Azam met Lord Mountbatten and put forward the following proposals for the consideration of the Government of India:

"First, to put an immediate stop to fighting, the two respective Governments to issue a proclamation forthwith, giving 48 hours' notice to the opposing forces to cease fire."

"We made it clear that we had no control over the forces of the 'Provisional Government of Kashmir' or the tribesmen engaged in fighting, but we were prepared to warn them in the clearest terms that if they did not obey the order to cease fire immediately, the forces of both Dominions would make war on them."

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Secondly, both the forces of the Indian Dominion and the tribesmen should withdraw simultaneously and with the utmost expedition from the State territory.

"Thirdly, the two Governors-General should be vested with full powers by the two Dominion Governments to restore peace, undertake the administration of Jammu and Kashmir States and arrange for a plebiscite without delay, under their joint control and supervision."

"These were eminently reasonable proposals. We made them at the risk of incurring the hostility of the Frontier tribes, whose feelings had been intensely aroused over the atrocities committed on their brethren in Kashmir."

"The day after these proposals reached India Government the Prime Minister of India, instead of sending a reply officially, gave a vague and evasive idea of his solution of the Kashmir question in a broadcast, merely harping on the slogan of plebiscite, but disregarding everything else."

"After waiting for some days, I sent a reminder. The India Government's official reply showed that they were not prepared to accept any of our suggestions. On the contrary, it was categorically stated that they would first drive out all the so-called raiders by force of arms, and as a recent telegram shows, they are not even prepared to have a discussion until this has been, done."

"We have made repeated efforts to have a conference with the India Dominion to bring about a peaceful settlement, but, on one pretext, or another, the India Government, with the might of military power behind them, have flouted the idea. The attitude of the India Government indicates that they are determined to force a military decision on Kashmir and to reduce the plebiscite to a farce by eliminating the Muslim population by the cruel methods which are now in operation.

"Indeed, it now seems extremely doubtful if there will be any attempt at all to ascertain the wishes of the people of Kashmir. Speaking to pressmen at Srinagar on November 10th, during Pandit Jawaharlal Nehru's visit to that place,

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Sheikh Abdullah was reported to have observed that there may not be a referendum at all.

"While this Quisling, who has been an agent of the Congress for many years, struts about the stage bartering away the life, honour and freedom of his people for the sake of personal profit and power, the true leaders of the Muslims of Kashmir are rotting in jail. His statement reveals an uneasy realisation that, despite all the repression, the verdict of the people of Kashmir will go in favour of accession to Pakistan."

"There is not the slightest doubt that the whole plot of the accession of Kashmir to India was preplanned. It cannot be justified on any constitutional or moral grounds. It is quite clear now that what the India Government are after is permanent occupation of Kashmir. They can maintain this unjust occupation only by liquidation of the Muslim population of Jammu and Kashmir, who are now suffering military repression in its worst form and who are struggling for their freedom and indeed, for their very existence against heavy odds."

"The India Government's whole conduct is based on 'might is right' and on the belief that Pakistan is unable to fight them. If the India Government are allowed to follow their imperialist land-grabbing policy, this will have repercussions not only in Asia, but throughout the world."

"The fundamental principle of the Charter of the United Nations is to prevent might prevailing over right. The whole dispute should, therefore, be brought before the bar of international opinion."

"We are ready to request U.N.O. immediately to appoint its representatives in Jammu and Kashmir State in order to put a stop to fighting and to the repression of Muslims in the State, to arrange the programme of withdrawal of outside forces, to set up an impartial administration of the State till a plebiscite is held and to undertake the plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession."

"We are prepared to accept a similar solution of the dispute regarding Manavadar and Junagadh."

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(17)

TELEGRAM, DATED 21ST NOVEMBER 1947, FROM FOREIGN, NEW DELHI, TO PUNSG, LAHORE.

From Prime Minister, India, for Prime Minister, Pakistan.

Your telegram, dated 19th November. I have nothing to add to what I have already said regarding the so-called agreement in my telegram, dated 13th November. I have been assured by parties concerned that this was no agreement at all but points noted down for discussion.

2. Immediately after the accession of Kashmir State to India we were entirely occupied, militarily and otherwise, in the Kashmir Valley and we were not in touch with the Jammu situation. We came to learn later that two convoys of Muslims had been brutally attacked in Jammu. We took immediate steps to prevent evacuation of Muslims from Jammu and to protect them there. Another convoy had started already but this was guarded by our troops and when this was attacked our troops inflicted very heavy casualties on the attackers killing 150 of them, wounding nearly a hundred and capturing 500 of them. Since then there has been no evacuation, no convoys and no attacks. We have issued strictest possible instructions to Commander of our forces that they should do everything possible to protect Muslims in Jammu and these orders have been carried out with success during the last fortnight. We deeply regret the attacks on Muslim convoys early in November and heavy casualties suffered by them. We should like to point out, however, that no troops of the Indian Union have been guilty of offences that you attribute to them. They have effectively protected Muslims. It appears that attacks on Muslim convoys were made chiefly by non-Muslim refugees.

3. Sheikn Abdullah has visited Jammu recently and has taken effective steps there to afford safety and security to the residents.

4. The Poonch area, according to the information available to us, has been overrun by raiders, and garrisons of State troops are mostly isolated and besieged. It is difficult to

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understand, therefore, how local Muslim population in this area could be victimized by non-Muslims.

5. We are quite sure that soldiers of Indian Union forces in Kashmir have afforded protection to Muslims according to strict directions, or have been engaged in fighting raiders.

6. As regards troops of States that have acceded to the Indian Union, some of these were sent to Kashmir State but they arrived after the attacks on Muslim convoys referred to above. There has been no allegation to our knowledge that they have participated in attacks on Muslims and indeed they have not been physically in a position to do so.

7. I should like to draw your attention to certain resolutions passed recently by All-India Congress Committee in Delhi defining the policy to be pursued in regard to migration of population, refugees, etc. These resolutions represent generally the policy of our Government.

8. Your statement that we are not prepared to have discussion until raiders have been driven out of Kashmir must be based on some misunderstanding. We are ready for a discussion at any time. All that I have said, and would repeat, is that a settlement of the Kashmir issue cannot take place undess the raiders are made to leave Kashmir State territory.

9. I must express my great regret at the remarks you have made in your press statement about Sheikh Abdullah. I regard him as a man of high integrity and patriotism. You know well his great influence in Kashmir. All communities look up to him but more specially and naturally the Muslims of Kashmir. He has faced a very difficult situation with remarkable courage and ability. He is now head of the Kashmir Administration and undoubtedly represents in a vary large measure the popular will of Kashmir. It would be improper in every way for us not to consult him in any matter relating to Kashmir State.

10. The specific suggestions regarding reference to the United Nations in your press statement are:

(*i*) "That U.N.O. should immediately appoint representatives in Jammu and Kashmir in order to put a stop to fighting,

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and to repression of Muslims in the State." Since United Nations have no (repeat no) forces at their disposal, we do not see how they can put a stop to the fighting or to the alleged repression of Muslims. This can only be done by an organised military forces and is being done by our troops. The fighting would also stop as soon as the raiders were made to withdraw and I have repeatedly asked your co-operation in stopping transit and supplies to raiders through Pakistan territory.

(*ii*) "To set up an impartial administration of the State". It is not clear to me what U.N.O. can do in the present circumstances in Kashmir till peace and order have been established. We are convinced that Sheikh Abdullah's administration is based on the will of the people and is impartial. Anyone who goes to Kashmir and sees things for himself can appreciate this. Moreover, we have pledged that, so long as our forces are in Kashmir, protection of all sections of the community will be their first and sacred duty. This duty will be discharged without fear or favour.

(*iii*) "To undertake the plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession". I have repeatedly stated that as soon as the raiders have been driven out of Kashmir or have withdrawn and peace and order have been established, the people of Kashmir should decide the question of accession by plebiscite or referendum under international auspices such as those of the United Nations. It is clear that no such reference to the people can be made when large bodies of raiders are despoilling the country and military operations against them are being carried on. By this declaration I stand.

11. I have said enough to reassure you regarding our resolve to protect the Muslim population of Kashmir and of our desire to have the people of Kashmir themselves decide their own future under fair and equitable conditions. I would repeat that we are ready for a discussion at any time. But if a discussion is to lead to a settlement the raiders must be out of Kashmir State. We cannot leave the people of Kashmir

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unguarded and in danger of attack. We have pledged our word to protect them.

12. In your press statement you have said that you have no control of the tribesemen engaged in fighting in Kashmir. Even so it should be possible for you to deny them access to Kashmir through your territory, and also to stop supplies of commodities like petrol which, *prima facie*, they could not obtain from any source outside Pakistan. If you have no control over the raiders and we do not stop and drive them out, then indeed we are reduced to a state of affairs when all governments cease to function and the raider, and looter and the killer become masters of the situation. That surely cannot be tolerated by our Government or yours.

13. I did not suggest that the Pakistan Army was participating officially in the raid. We possess, however, incontrovertible evidence that members of the Pakistan Army, whether on leave or deserters, have joined the raiders and that the military equipment which can only have come from the Pakistan Army has been in possession of the raiders.

(18)

TELEGRAM, DATED (AND RECEIVED) THE 25TH NOVEMBER 1947, FROM PUNSG, LAHORE, TO FOREIGN, NEW DELHI

From Foreign, Camp, Lahore.

Following for Prime Minister, India, from Prime Minister, Pakistan.

Your telegram, dated November 21st, I regret to say that your telegram is full of evasion and contradictions and it is difficult to get a concrete plan of action out of it. I am extremely sorry that you still support Seikh Abdullah who you know is a Quisling and a paid agent to disrupt the Mussulmans of Kashmir.

(15)

PANDIT NEHRU'S STATEMENT OF KASHMIR IN THE CONSTITUENT ASSEMBLY (LEGISLATIVE) ON 25TH NOVEMBER, 1947

I am glad to have this opportunity of explaining to the

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House the course of events that have led to our intervention in Kashmir with the aid of armed forces, and the attitude of the Government of India to the grave problems that have arisen in that State.

The House is aware that on the lapse of Crown Paramountcy on the 15th August, this year, Kashmir did not accede to either Dominion. We were of course vitally interested in the decision that the State would take. Kashmir, because of her geographical position with her frontiers marching with three countries, namely, the Soviet Union, China and Afghanistan, is intimately connected with the security and international contacts of India. Economically also Kashmir is intimately related to India. The caravan trade routes from Central Asia to India pass through Kashmir State.

Nevertheless we did not put the slightest pressure on the State to accede to the Indian Dominion because we realised that Kashmir was in a very difficult position. We did not want a mere accession from the top but an association in accordance with the will of her people. Indeed we did not encourage any rapid decision. Even in regard to a standstill agreement no speedy steps were taken by us although the matter was under consideration even though Kashmir had entered into a standstill agreement with Pakistan soon after the 15th August.

We learnt later that serious external pressure was being applied on Kashmir by the Pakistan authorities refusing to send to Kashmir supplies vital to the needs of the people, such as foodgrains, salt, sugar and petrol. Thus an attempt was being made to strangle Kashmir economically and thus force her to accede to Pakistan. This pressure was serious because it was not easy for Kashmir to obtain these essential supplies from India on account of the difficulty of communications.

In September news reached us that tribsemen of the North-West Frontier Province were being collected and sent to the Kashmir border. In the beginning of October events took a grave turn. Armed bands moved into Jammu Province from the neighbouring district of West Punjab, committed serious acts of depredation on the local inhabitants, burnt villages and

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towns and put a large number of people to death. Refugees from these areas poured into Jammu.

On the Jammu side of the border the local inhabitants, who are chiefly Hindu and Rajput in that area, took retaliatory measures and drove out the Muslims living in those border villages. In these border confiicts a very large number of villages were dstroyed or burnt by both parties on either side of the frontier.

The raiders from West Punjab into Jammu Province were increased in numbers and spread out over that province. The Kashmir State Army which had to meet these raids at numerous points soon found itself broken into small fragments and gradually ceased to be a fighting force. The raiders were highly organised, had competent officers and modern arms. They succeeded in occupying a considerable part of Jammu Province, more especially in the Poonch Area: Poonch Town, Mirpur, Kotli and some other places held out.

About this time the State authorities asked us to supply them with arms and ammunition. We agreed to do so in the normal course. But in fact no supply was made till events took a more serious turn. Even at this stage no mention was made of accession to India.

The leader of the popular organisation in Kashmir, Shaikh Mohammad Abdullah, President of the Kashmir National Conference, was released from prison during this period and we discussed the situation in Kashmir with him as well as with representatives of the Maharaja of Kashmir. We made it clear to both of them that while we would welcome the accession of Kashmir we did not want any hurried or forced accession and we would rather wait for the people to decide. Shaikh Abdullah was himself of this opinion.

On the 24th October we heard that large armed bands consisting both of tribsemen from the Frontier and *ex*-servicemen had, broken through Muzzaffarabad and were marching to Srinagar. These raider had crossed Pakistan territory and they were equipped with Bren Guns, Machine Guns, mortars, and flame-throwers, and had at their disposal a large number

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of transport vehicles. They moved rapidly down the Valley, sacking and burning and looting all along the way. We gave earnest consideration to this situation in our Defence Committee on the 25th and 26th October. The position on the 26th morning was that the raiders were marching towards Srinagar and there was no military detachment capable of stopping them. They had been stopped for two days near Uri by the State forces under a gallant commander who resisted this advance to the point of death. These two days thus gained were very valuable.

We were asked at this stage both on behalf of the Maharaja and Sheikh Abdullah to accept the accession of the State to the Indian Union and to intervene with the armed forces of the Union. An immediate decision was necessary, and in fact it is now clear that if we had delayed the decision even by 24 hours Srinagar would have fallen and would have suffered the tragic fate that befell Muzzaffarabad, Baramulla and other places. It was clear to us that we could not possibly accept under any circumstances this ruin of Kashmir by brutal and irresponsible raiders. This would have been a surrender to frightfulness and fanaticism of the worst type and it would have had the most serious consequences all over India. To intervene at that stage was no easy matter and was full of risks and danger. Yet we decided to face this risk and intervene because any other course would have meant ruin to Kashmir and danger to India.

In accepting the accession, however, we made it perfectly clear to the Maharaja that his Government must be carried on in future according to the popular will and that Sheikh Abdullah should be charged with the formation of an interim government on the new model adopted in Mysore. Shaikh Abdullah, in our opinion, had undoubtedly the support of the large majority of the people of Kashmir, Muslims, Hindus and Sikhs. Further, we made it clear that as soon as law and order had been restored in Kashmir and her soil cleared of the invaders, the question of the State's accession should be settled by reference to the people.

I shall not detain the House by dealing with the course of

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the military campaign that followed. The facts are well-knwn and redound to the credit of our military organisation, our troops and our airmen. It must be remembered also that our operations have been very largely based on air transport in difficult circumstances. Our civil air-lines and their air-crews functioned with remarkable success.

One fact, however, which cotributed to our success at least as much as the military operations was the maintenance, under the leadership of Sheikh Abdullah, of the civil administration and the morale of the civil population. The civil population, completely unarmed, with the enemy within a few miles of the city, behaved in a manner which showed extraordinary courage and coolness. They did so because they had a great leader and because Hindus, Muslims and Sikhs all joined together under him to throw back the enemy and to save Kashmir, their common heritage. This fact is one of the most remarkable events of recent times in India and one from which the rest of the country may take a profitable lesson. It was certainly a factor of the most vital importance in the saving of Srinagar.

The present position is that our troops have relieved Poonch and are within 8 miles of Kotli. The terrain in which they are functioning is difficult and mountainous and the roads and approaches have been destroyed by the raiders. Progress is therefore slow. In this Poonch area occupied by the raiders, several massacres of the non-Muslim inhabitants have taken place involving large numbers of persons.

I should like to say here that certian events happened near Jammu early in November which I regret very deeply. The Muslim conoys of evacuees were being taken away from Jammu when they were attacked by non-Muslim refugees and others and a large number of casualties were inflicted. The troops escorting them did not play a creditable role. I might add that none of our toops were present or had anything to do with this. We have issued the most stringent orders to our troops to protect the people, to function with impartiality and indeed to make friends with the local population. I am glad to say that they have carried out these instructions.

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The House is aware that the Pakistan Government has protested emphatically against our action in Kashmir. In doing so they have used ladguage which is not becoming in any government and have alleged fraud and conspiracy on our part. I need only say that I am completely convinced that every action that the Government of India have taken in regard to Kashmir has been straight and above board and I can defend it at any time before the world. We have indeed been over-scrupulous in this matter so that nothing may be done in the passion of the moment which might bewrong. The behaviour of our army has all along been good and worthy of our traditions.

I cannot say this of the Pakistan Government. Their case is that the genesis of the trouble was extensive killing of Muslims in Eastern Punjab and Kashmir and that the raid on Kashmir was a spontaneous reaction to this on the part of the tribesmen. I think this is completely untrue. I regret deeply that in parts of Jammu Province Muslims were killed and driven out. This of course has had nothing to do with our government or our forces. But this mutual killing has been a very tragic feature during these past months in the Punjab, and Jammu was powerfully affected by this. We have sufficient evidence in our possession to demonstrate that the whole business of the Kashmir raids both in Jammu province and in Kashmir proper was deliberately organised by high officials of the Pakistan Government. They helped the tribesmen and ex-servicemen to collect, they supplied them with implements of war, with lorries, with petrol and with officers. They are continuing to do so. Indeed their high officials openly declare so. It is obvious that no large body of men could cross Pakistan territory in armed groups without the goodwill, connivance and active help of the authorities there. It is impossible to escape the conclusion that the raids on Kashmir were carefully planned and well-organised by the Pakistan authorities with the deliberate object of seizing the State by force and then declaring accession to Pakistan. This was an act of hostility not only to Kashmir but to the Indian Union. It is only necessary to see the semi-official organs of the Muslim League and the

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Pakistan Government to find out the attitude of that government. If we had allowed this scheme to succeed, we would have been guilty of betrayal of the people of Kashmir and a grave dereliction of duty to India. The results of these on the communal and political situation all over India would have been disastrous.

The Pakistan Government have proposed a simultaneous withdrawal of our forces and the raiders from Kashmir. This was a strange proposal and could only mean that the raiders were there at the instance of the Pakistan Government. We cannot treat with free-booters who have murdered large numbers of people and tried to ruin Kashmir. They are not a State, although a state may be behind them. We have gone to Kashmir to protect the people and as soon as this duty is discharged our forces need not remain there and we shall withdraw our forces. We cannot desert the people of Kashmir til danger is passed. If the Pakistan Government is sincere they can stop the entry of these raiders and thus accelerate the return of peace and order. After that let the people of Kashmir decide and we shall accept their decision. But if this armed conflict continues no opportunities is given for the people to decide by peaceful means and the decision gradually takes shape by the sacrifice and power of the people in this conflict.

In order to establish our *bona fides* we have suggested that when the people are given the chance to decide their future this should be done under the supervision of an impartial tribunal such as the United Nations Organisation.

The issue in Kashmir is whether violence and naked force should decide the future or the will of the people. The raiders, encouraged by Pakistan, have sought to enforce by the sword accession to Pakistan against the obvious wishes of large numbers of the people in Kashmir. We cannot permit a success of this method to achieve political ends. It is a tragedy that Pakistan should ally itself to such methods instead of devoting herself to the urgent tasks of economic and social reconstruction.

Kashmir has gone through fire and I am sure that the

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House would like me to communicate their sympathy to the people of Kashmir for the tribulations they have been going through in recent weeks. This fair land which nature has made so lovely has been desecrated by people who have indulged in murder, arson, loot and foul attacks on women and children. The people have suffered greatly from shortage of the most vital necessities of life and yet, under the inspiring lead of Sheikh Abdullah, they have stood together in the hour of calamity and showed to the rest of India an example of what communal unity can achieve. Whatever the future may hold, this chapter in the history of Kashmir will be worth reading and we shall never regret that in their hour of distress we have been able to be of assistance to this gallant people. Kashmir and India have been bound together in many ways from ages past. These last few weeks have forged a new link which none can sunder.

(20)

TELEGRAM, DATED THE 2ND DECEMBER 1947, FROM FOREIGN, NEW DELHI, TO PUNSG, LAHORE

For Mr. Liaquat Ali Khan from Jawaharlal Nehru.

Please see my immediately preceding telegram. I have received information that there are in Gujrat District some 2,000 Hindu women abducted from Bhimbar area and that they are being sold like cattle at about Rs. 150 each. This traffic, is I am sure, as revolting to you as it is to me and I would earnestly ask you to take all possible steps to see that these unfortunate women are rescued and evacuated to India. I understand that our Deputy High Commissioner in Lahore is contacting the Inspector-General of Police, West Punjab, in the matter.

(21)

TELEGRAM, DATED THE 3RD DECEMBER, 1947, FROM FOREIGN, NEW DELHI, TO PRIME MINISTER, PAKISTAN, LAHORE

For Mr. Liaquat Ali Khan from Jawaharlal Nehru.

I have been drawing your attention to large concentrations

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of tribesmen and others in West Punjab near the border of Kashmir State and to the abduction of large numbers of women from Kashmir who are being offered for sale in West Punjab. During the last few days while we were supposed to be discussing possible terms for a settlement, these concentrations have been encouraged and additional raiders have been sent into Kashmir who have massacred thousands of persons there. We have reliable evidence about the part that officials of the Pakistan Government are taking in organising this invasion of Kashmir territory. I feel I must inform you that this is creating a very grave situation in regard to India—Pakistan relations. The Government of India cannot tolerate the continuance of the use of Pakistan territory for organising murderous raids into a part of Indian Dominion territory and must consider it as an act of hostility. This you will appreciate might involve far-reaching consequences. It is hardly possible to conflict any negotiations while this state of affairs lasts. In spite of repeated requests from us to you there has been no attempt on the part of the Pakistan Government to withdraw raiders or to express its disapproval of their action.

(22)

TELEGRAM, DATED THE 4TH (RECEIVED 5TH) DECEMBER 1947, FROM PUNSG, LAHORE, TO FOREIGN, NEW DELHI

From Foreign Camp, Lahore, addressed Foreign, New Delhi.

For Pandit Jawaharlal Nehru from Liaquat Ali Khan.

I have received your telegram, dated December 2nd, on return from Rawalpindi today. I am greatly distressed to read their contents and am taking immediate steps to have an investigation into matter. I have issued orders that any non-Muslims moving from Jammu, Kashmir State into Pakistan territory should be collected in camps and given adequate protection until they are evacuated. I am at once with you in my abhorrence of all crimes against women.

2. When I was in Sialkot on November 30th and December 1st and in Rawalpindi on 3rd and 4th December I was told

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most harrowing stories about Muslims in Jammu, Kashmir State. According to all reports I received Muslims population of large number of towns and villages in Jammu has been massacred and total of killed runs into six figures. The abduction of Muslim women has taken place on a very large-scale and women from respectable families have been specially attacked but apart from abduction there are other aspects of treatment of Muslim women which are too shameful to put in writing. Until I had visited Sialkot and Rawalpindi and received first-hand evidence I had not realised full gravity of situation. The two governments must as a matter of highest urgency concert measures to put a stop to this state of affairs.

(23)

TELEGRAM, DATED 12TH DECEMBER 1947, FROM FOREIGN, NEW DELHI, TO FOREIGN, KARACHI.

From Prime Minister, India, for Prime Minister, Pakistan.

Ever since my return from Lahore I have given the most earnest thought to the settlement of all outstanding matters in dispute between India and Pakistan. My colleagues share my desire for such a settlement which is essential for the well-being of both India and Pakistan. It is our good fortune that agreements have already been arrived at in regard for many matters in controversy. But you will appreciate that it is difficult to make any progress if conflict and suspicion continue between the two countries. Such conflict is likely to affect all our other relations and may lead to a deterioration of the situation.

2. The major cause of this conflict at present is Kashmir. We have discusssed this matter with you at great length without resolving our differences or finding a way out of the impasse. I need not reiterate the arguments which have been repeatedly advanced in support of our position. You are fully seized of them.

3. We have given further thought, in the light of our discussion in Lahore to the question of inviting the United Nations to advise us in this matter. While we are prepared

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to invite U.N.O. observers to come here and advise us as to the proposed plebiscite, it is not clear in what other capacity the United Nations help can be sought. According to your own declaration to us you are not parties to the present struggle in Kashmir. We cannot treat with irregular invaders as a State. No Government can deal with such raids which have brought death and destruction to Kashmir, except through military means. We owe an obligation to the people of Kashmir to restore peaceful and normal conditions and we have pledged ourselves to this end' We would gladly co-operate in an attempt to restors peace by settlement.

4. I trust that you will appreciate the logic and reasonableness of our position and our earnest desire to find a solution which is honourable to all concerned. I hope to meet you when you visit Delhi on the 22nd December to attend the next meeting of the Joint Defence Council and to discuss this matter further with you. I confess, however, that I find myself unable to suggest anything beyond what I have offered already, namely, to ask the U.N.O. to send impartial observers to advise us regarding the plebiscite.

I hope that your health continues to improve.

(24)

TELEGRAM, DATED THE 16TH AND RECEIVED 17TH DECEMBER 1947, FOREIGN, KARACHI, TO FOREIGN, NEW DELHI.

For Prime Minister, India, from Prime Minister, Pakistan. Your telegram, dated December 1st.

As you know I am most desirous for a settlement of all matters in dispute between India and Pakistan. So are my colleagues. And I agree with you that major issue outstanding between the two Dominions is Kashmir and as I pointed out before also Jungadh. During our discussions in Delhi and Lahore I explained to you how vital a place Kashmir occupies in relation to Pakistan. The security of Pakistan is bound up with that of Kashmir, and ties of religion, cultural affinity and economic interdependenc bind the two together still closer. The security and well-being of people of Kashmir is of highest

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importance to people of Pakistan. We are therefore vitally interested in peaceful and honourable conditions for people of Kashmir so that freed from all pressure, external or internal they might of their own free-will decide to which Dominion they wish to accede. The test of any course of action would therefore be whether it leads to creation of conditions in which a really free plebisctie can be held. To my mind, the problem can only be solved by an act of statesmanship in the light of basic realities of situation and not by legal disputations as to how Pakistan is party to dispute or how U.N.O. can be brought in. I hope when we meet on December 22nd we shall be able to discuss matter in this spirt.

Many thanks for your enquiry about my health. I am feeling better now.

(25)

THE PRIME MINISTER OF INDIA PERSONALLY HANDED OVER TO THE PRIME MINISETR OF PAKISTAN, THE FOLLOWING LETTER IN NEW DELHI, ON DECEMBER 22ND, 1947.

DEAR MR. LIAQUAT ALI KHAN,

1. On various occasions, I have drawn your attention to the aid which the raiders into Kashmir State are deriving from Pakistan. They have free tansit through Pakistan territory. They are operating against Kashmir from bases in Pakistan. Their modern military equipment could only have been obtained from Pakistan sources; mortars, artillery and Mark V-mines are not normally the kind of armament which tribesmen possess. Motor transport, which the raiders have been using, and the petrol required for it, could also be obtained in Pakistan only. Food and other supplies are also secured from Pakistan; indeed, we have reliable reports that the raiders get their rations from military messes in Pakistan. According to our information, large numbers of these raiders are receiving military training in Pakistan, which could only be under officers of the Pakistan Army.

2. The forms of aid, enumerated in the preceding paragraph, which the raiders are receiving, constitute an act of

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aggression against India because they are being used against a State which has acceded to the Indian Dominion. The Government of India, while protesting against the action of the Pakistan Government in furnishing or allowing such assistance to be furnished, and urging that the Pakistan Government should stop such help and at least urge the raiders to withdraw, has so far taken no action itself which might involve entry by Indian forces into Pakistan territory. They have been hoping, all these weeks, though with diminishing hope that the Pakistan Government themselves would put a stop to aid to the raiders which is of the nature of help to India's enemies. Since protests have failed to bear fruit, the Government of India now formally ask the Government of Pakistan to deny to the raiders:

(1) All access to and use of Pakistan territory for operations against Kashmir;

(2) all military and other supplies;

(3) all other kinds of aid that might tend to prolong the present struggle.

3. The Government of India have always desired and still earnestly desire to live on terms of friendship with Pakistan. They sincerely hope that the request which they have now formally made will be acceded to promptly and without reserve. Failing such response, they will be compelled to take such action, consistently with the provisions of the United Nations Charter, as they may consider necessary to protect their interests, and to discharge their obligations to the Government and people of Kashmir.

Yours sincerely,
JAWAHARLAL NEHRU.

(26)

EXTRACT FROM TELEGRAM, DATED 26TH DECEMBER 1947, FROM FOREIGN, NEW DELHI, TO FOREIGN, KARACHI.

For Prime Minister, Pakistan, from Prime Minister, India.

I would draw your attention to the letter I gave to you

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personally on Monday, the 22nd, evening and would request a very early reply to it.

(27)

TELEGRAM, DATED THE 31ST DECEMBER 1947, FROM PRIME MINISTER, NEW DELHI, TO PRIME MINISTTR, PAKISTAN, KARACHI.

You will remember that, on 22nd December, I handed personally to you a letter regarding Kashmir. In my telegram to you (dated 26th December), I reminded you of the letter and repeated request for an early reply.

I regret to say that I have heard nothing from you so far, and, as we cannot afford to wait any longer, we are making a reference to the Security Council in terms of my immediately following telegram.

(28)

TELEGRAM, DATED THE 31ST DECEMBER 1947, FROM FOREIGN, NEW DELHI, TO INDEMBASSY, WASHINGTON.

Please convey following message to the Chairman, Security Council of the United Nations. Lake Success, New Yark, immediately:

Begins. 1. Under Article 35 of the Charter of the United Nations, any member may bring any situation, whose continuance is likely to endanger the maintenance of international peace and security, to the attention of the Security Council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the North-West, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India. The circumstances of the accession, the activities of the invaders which led the Government of India to take military action against them and the assistance which the attackers have received and are still receiving from Pakistan are explained later in this memorandum. The Government of India request

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the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India. If Pakistan does not do so the Government of India may be compelled, in self-defence, to enter Pakistan territory, in order to take military action against the invaders. The matter is therefore one of extreme urgency and calls for immediate action by the Security Council for avoiding a breach of international peace.

2. From the middle of September, 1947, the Government of India had received reports of infiltration of armed raiders into the western parts of the Jammu Province of the Jammu and Kashmir State; Jammu adjoins West Panjab which is a part of the Dominion of Pakistan. These raiders had done a great deal of damage in that area and taken possession of part of the territory of the State. On the 24th of October the Government of India heard of a major raid from the Frontier Province of the Dominion of Pakistan into the Valley of Kashmir. Some 2,000 or more fully-armed and equipped men came in motor transport, crossed over to the territory of the State of Jammu and Kashmir, sacked the town of Muzaffarabad, killing many people, and proceeded along the Jhelum Valley Road towards Srinagar, the summer capital of the Jammu and Kashmir State. Intermediate towns and villages were sacked and burnt, and many people killed. These raiders were stopped by Kashmir State troops near Uri, a town some 50 miles from Sringar, for some time, but the invaders got round them and burnt the power house at Mahoora, which supplies electricity to the whole of Kashmir.

3. The position on the morning of the 26th of October was that these raiders had been held by Kashmir State troops and part of the civil population who had been armed, at a town called Baramula. Beyond Baramula their was no major obstruction up to Srinagar. There was immediate danger of these raiders reaching Srinagar, destroying and sacking the capital and massacring large number of people, both Hindus and Muslims. The State troops were spread out all over the State and most of them were deployed along the western border of Jammu Province. They had been split up into small

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isolated groups and were incapable of offering effective resistance to the raiders. Most of the State officials had left the threatened area and civil administration had ceased to function. All that stood between Srinagar and the fate which had overtaken places on the route followed by the raiders was the determination of the inhabitants of Srinagar, of all communities, practically without arms, to defend themselves. At this time, Srinagar had also a large population of Hindu and Sikh refugees who had fled there from West Panjab, owing to communal disturbances in that area. There was little doubt that the refugees would be massacred if the raiders reached Srinagar.

4. Immediately after the raids into Jammu and Kashmir State commenced, approach were informally made to the Government of India for the acceptance of the accession of the State to the Indian Dominion. (It might be explained, in parenthesis, that Jammu and Kashmir form a State whose Ruler, prior to the transfer of power by Britain to the Dominions of India and Pakistan, had been in Treaty relations with the British Crown which controlled its foreign relations and was responsible for its defence. The Treaty relations ceased with the transfer of power on August 15th last, and Jammu and Kashmir like other States, acquired the right to accede to either Dominion.)

5. Events moved with great rapidity and the threat to the Valley of Kashmir became grave. On the 26th of October, the Ruler of the State, He Highness Maharaja Sir Hari Singh, appealed urgently to the Government of India for military help. He also requested that the Jammu and Kashmir State should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the Government of India from the largest popular organisation in Kashmir, the National Conference, headed by Sheikh Abdullah. The Conference further strongly supported the request for the State's accession to the Indian Dominion. The Government of India were, thus, approached not only officially by the State authorities, but also on behalf of the people of Kashmir, both for military aid and for the accession of the State of India.

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6. The grave threat to the life and property of innocent people in the Kashmir Valley and the security of the State of Jammu and Kashmir that had developed as a result of the invasion of the Valley demanded immediate decisions by the Government of India on both request. It was imperative, on account of the emergency, that the responsibility for the defence of the Jammu and Kashmir State should be taken over by a Government capable of discharging it. But, in order to avoid any possible suggestion that India had taken advantage of the State's immediate peril for her own political advantage, the Dominion Government made it clear that, once the soil of the State had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognised democratic method of a plebisci or referendum, which, in order to ensure complete impartiality, might be held under international auspices.

7. The Government of India felt it their duty to respond to the appeal for armed resistance because:

1. they could not allow a neighbouring and friendly State to be compelled by force to determine either its internal affairs or its external relations;

2. the accession of Jammu and Kashmir State to the Dominion of India made India legally responsible for the defence of the State.

8. The intervention of the Government of India resulted in saving Srinagar. The raiders were driven back from Baramula to Uri and are held there by Indian troops. Nearly 19,000 raiders face the Dominion Forces in this area. Since the operations in the Valley of Kashmir started, pressure by the raiders against the western and south-western border of the Jammu and Kashmir State has been intensified. Exact figures are not available. It is understood however, that nearly 15,000 raiders are operating against this part of the State. State troops are besieged in certain areas. Incursions by the raiders into the State territory involving murder, arson, loot and the abduction of women continue. The booty is collected and carried over to the tribal areas to serve as an inducement to the further recruitment of tribesmen to the ranks of the raiders. In addition to

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those actively participating in the raids, a large number of tribesmen and others, estimated at 100,000 have been collected in different places in the districts of West Punjab bordering the Jammu and Kashmir State and many of them are receiving military training under Pakistan nationals, including officers of the Pakistan Army. They are looked after in Pakistan territory, fed, clothed, armed and otherwise equipped, and transported to the territory of the Jammu and Kashmir State with the help, direct and indirect, of Pakistan officials, both military and civil.

9. As already stated, raiders who entered the Kashmir Valley in October came mainly from the Tribal Areas to the North-West of Pakistan and, in order to reach Kashmir, passed through Pakistan territory. The raids along the south-west border of the State, which had preceded the invasion of the Valley proper, had actually been conducted from Pakistan territory and Pakistan nationals had taken part in them. This process of transit across Pakistan territory and the utilisation of that territory as a base of operations against the Jammu and Kashmir State continues. Recently, military operations against the western and south-western borders of the State have been intensified and the attackers consist of nationals of Pakistan as well as tribesmen. These invaders are armed with modern weapons, including mortars and medium machine-guns, wear the battle dress of regular soldiesrs and, in recent engagements, have fought in regular battle-formation and are using the tactics of modern warfare. Man-pack wireless sets are the regular use and even Mark V.-mines have been employed. For their transport, the invaders have all along used motor vehicles. They are undoubtedly being trained and, to some extent, led by regular officers of the Pakistan Army. Their rations and other supplies are obtained from Pakistan territory.

10. These facts point indisputably to the conclusions:

(*a*) that the invaders are allowed transit across Pakistan territory;

(*b*) that they are allowed to use Pakistan territory as a base of operations;

(*c*) that they include Pakistan nationals;

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(*d*) that they draw much of their military equipment, transport and supplies (including petrol) from Pakistan; and

(*e*) that Pakistan officers are training, guiding and otherwise actively helping them.

There is no source other than Pakistan from which they, could obtain such quantities of modern military equipment, training or guidance. More than once, the Government of India had asked the Pakistan Government to deny to the invaders facilities which constitute an act of aggression and hostility against India, but without any response. The last occasion on which this request was made was on the 22nd December, when the Prime Minister of India handed over personally to the Prime Minister of Pakistan a letter in which the various forms of aid given by Pakistan to the invaders were briefly recounted and the Government of Pakistan were asked to put an end to such aid promptly and without reserve. No reply to this letter has yet been received, in spite of a telegraphic reminder sent on the 26th.

11. It should be clear from the foregoing recital that the Govetnmwnt of Pakistan are unwilling to stop the assistance in material and men which the invaders are receiving from their territory and from their nationals including Pakistan Government personnel, both military and civil. This attitude is not only unneutral, but constitutes active aggression against India, of which the State of Jammu and Kashmir forms a part.

12. The Government of India have exerted both persuasion and exercised patience to bring about a change in the attitude of Pakistan. But they have failed, and are, in consequence, confronted with a situation in which their defence of the Jammu and Kashmir State is hampered and their measures to drive the invaders from the territory of the State are gravely impeded by the support which the raiders derive from Pakistan. The invaders are still on the soil of Jammu and Kashmir, and the inhabitants of the State are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large numbers, of the invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than the Jammu

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and Kashmir State, is a menace to the rest of India. The Government of India have no option, therefore, but to take more effective military action in order to rid Jammu and Kashmir State of the invader. Indefinite continuance of the present operations prolongs the agony of the people of Jammu and Kashmir, is a drain on India's resources and a constant threat to the maintenance of peace between India and Pakistan.

13. In order that the objective of expelling the invader from Indian territory and preventing him from launching fresh attacks should be quickly achieved, Indian troops would have to enter Pakistan territory; only thus could the invaders be denied the use of bases and cut off from their sources of supplies, and reinforcements, in Pakistan. Since the aid which the invaders are receiving from Pakistan is an act of aggression against India, the Government of India are entitled, in international law, to send their armed forces across Pakistan territory for dealing effectively with the invaders. However, as such action might involve armed conflict with Pakistan, the Government of India, ever anxious to proceed according to the spirit of the Charter of the United Nations, desire to report the situation to the Security Council in accordance with the provisions of Article 35 of the Charter. They feel justified in requesting the Council to ask the Government of Pakistan:

1. to prevent Pakistan Government personnel, military and civil, participating in or assisting the invasion of Jammu and Kashmir State;
2. to call upon other Pakistan nationals to desist from taking any part in the fighting in Jammu and Kashmir State;
3. to deny to the invaders:
   (*a*) access to and use of its territory for operations against Kashmir;
   (*b*) military and other supplies;
   (*c*) all other kinds of aid that might tend to prolong the present struggle.

14. The Government of India would stress the special

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urgency of the Security Council taking immediate action on their request. They desire to add that the military operations in the invaded area have, in the past few days, been developing so rapidly that they must, in self-defence, reserve to themselves the freedom to take, at any time when it may become necessary, such military action as, they may consider, the situation requires.

15. The Government of India, deeply regret that a serious crisis should have been reached in their relations with Pakistan. Not only is Pakistan a neighbour but, in spite of the recent separation, India and Pakistan have many common ties and many common interests. India desires nothing more earnestly than to live with her neighbour State on terms of close and lasting friendship. Peace is to the interest of both States; indeed to the interests of the world. The Government of India's approach to the Security Council is inspired by the sincere hope that, through the prompt action of the Council, peace may be preserved.

16. The text of this reference to the Council is being telegraphed to the Government of Pakistan.

Jawaharlal Nehru, Member for External Affairs Government of India. *Ends.*

(20)

LETTER FROM PRIME MINISTER, PAKISTAN, TO PRIME MINISTER, INDIA, DATED 30TH DECEMBER 1947

DEAR PANDIT NEHRU,

Please refer to your demi-official letter, dated the 22nd December, in which you have brought formal charges against the Pakistan Government for aiding and abetting the so-called 'invaders' of Kashmir in their fight against the forces of the Maharaja and of the Indian Dominion.

2. Despite the ominous hint contained in paragraph three I trust I am right in assuming that your letter is not an "Ultimatum" but a fore-runner of a formal reference of the matter to the U.N.O. If so, nothing could be more welcome, for, you will recollect, this is exactly what the Pakistan Government

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has been suggesting throughout as the most effective method of ironing out our mutual differences. I am therefore sincerely glad to find that you propose at last to adopt this particular line of approach to our problems.

3. I must, however, confess my disappointment that your proposal apparently restricts the reference to the single issue of Kashmir. The episode of Kashmir considered by itself would look like a sentence torn out of its context. It is but an act in the unparalleled tragedy which is being enacted before our eyes ever since the announcement of the scheme of partition. A reference to the U.N.O. therefore in my opinion must cover much larger ground and embrace all the fundamentals of the differences between the two Dominions. As I see it, it is neither Kashmir alone nor Junagadh and Manavadar, nor even the terrible tragedy of wholesale massacres of Muslim men, women and children in extensive areas of the Indian Dominion, but a totality of these horrors and iniquities, indicating but one consistent, sinister pattern which should rightly form the subject matter of international investigation. If the root causes of the evil which is vitiating our relations are not determined and removed it is much to be feared that fresh incidents will continue to threaten the peace not only between the two Dominions, but in a much wider field.

The case of Kashmir it simple and our attitude has been explained frankly and repeatedly both in our communications to you and our official statements to the press. The Pakistan Government has not accepted and cannot accept the so-called 'accession' of the Jammu and Kashmir State to India. We have said it before and repeat that the 'accession' was fraudulent inasmuch as it was achieved by deliberately creating certain conditions, with the object of finding an excuse to stage the 'accession'. It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State. The accession was against the well-known will of an overwhelming majority of the population and could not be justified on any grounds whether moral or constitutional, geographical or economic, cultural or religious.

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5. The sole responsibility for the disturbances which occurred in the State must squarely lie on the Maharaja and his Government, who, despite the advice tendered by the Pakistan Government, persisted in their policy of repression of Muslims. Repression was followed by resistance, particularly in the area of Poonch which is inhabited by a large number of *ex*-soldiers. The resistance in its turn was met with more repression till the Dogra savagery supported by the brutality of Sikh and Rashtriya Sewak Sangh bands created a reign of terror in the State. This state of affairs naturally aroused strong feelings of sympathy throughout Pakistan, particularly among the Muslims living in the contiguous areas who had numerous ties of relationship with the persecuted people of the State. Some of these people went across to assist their kinsmen in their struggle for freedom and indeed for existence itself. The stage was thus set for the pre-planned intervention by the forces of the Indian Dominion to quell this spontaneous popular rising against the culmination of the age-long tyranny of the Dorga rule. The repeated warnings of the Pakistan Government went unheeded. This hasty and ill-advised action completely changed the picture and the Frontier tribesmen, a ferociously freedom-loving people, naturally took up the challenge in support of their Kashmiri co-religionists fighting for their survival and liberation. If the Government of India had extended to the Pakistan Government the courtesy of consulting it before embarking on its enterprise and suddenly landing troops in Kashmir, or even notifying Pakistan of its proposed action, thus providing an opportunity for discussion and consultation, it might have been possible to avert the tragedy of Kashmir. The action of the Government of India served to swell the torrent of popular resentment until it became impossible for the Pakistan Government to stem it without embarking on large-scale military operations.

6. As regards the charges of aid and assistance to the 'invaders' by the Pakistan Government we emphatically repudiate them. On the contray, and solely with the object of maintaining friendly relations between the two Dominions, the Pakistan Government have continued to do all in their power to discourage the tribal movements by all means short of war.

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This has caused bitter resentment throughout the country, but despite a very serious risk of large-scale internal disturbances the Pakistan Government has not deviated from the policy.

In view of this background it would not be surprising if some nationals of Pakistan were taking part in the struggle for the liberation of Kashmir along with the forces of the Azad Kashmir Government. You must have already heard of an International Brigade composed of representatives of many nations in the world who are likewise fighting on the side of the Azad Kashmir Government. In regard to the modern military equipment that you allege to be in the possession of the Azad Kashmir forces, our information is that these forces are poorly equipped and such few modern weapons as they might possess have either been captured from the Dorga and Indian troops or have been in the possession of the *ex*-soldiers of Poonch since the days of the British. As you know there are large numbers of Poonchis in the Pakistan Army and if some of them while on leave in their homes rendered assistance to their kith and kin in defence of their hearths and homes, it is scarcely to be wondered at.

7. On the contrary, it is the Indian Government which must answer the charge of conspiracy with the Maharaja of Kashmir in repudiation of the very principles on which it had only one month before opposed Junagadh's accession to Pakistan. The plea that the accession is only temporary pending restoration of peaceful conditions is too flimsy to stand examination, particularly in the light of recent negotiations in the course of which a perfectly fair and workable plan of withdrawal of opposing forces followed by a referendum under impartial aegis, suggested by us, was turned down by your Government. But all this, fits in with the general 'pattern' of the India Government's political attitude towards Pakistan ever since it became evident that partition was the only possible solution of our constitutional problems.

8. The story begins as early as the middle of 1946 following the demonstration of Muslim solidarity throughout the country after the last Provincial elections. It became clear that Pakistan was the unalterable goal of the Muslims. The inevitability of

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the partition of the country which now became evident to all gave rise to a wave of deep resentment among the Hindu and Sikh population of the sub-continent. As a direct result of this severe communal rioting occurred in several towns and Provinces of India such as Calcutta, Noakhali, Bihar, Bombay, Garhmukteshwar, Rawalpindi, Lahore and Amritsar. Such communal strife had not been unknown previously, but what was astonishing was the unprecedented scale of killings that took place in Bihar and Garhmukteshwar, proving beyond doubt the existence of a well-settled plan of extermination of the Muslims. It was during these disturbances that the Rashtriya Sewak Sangh came to be known as the author of some of the most brutal massacres. The orgy of blood, however, died down in due course, but as later events proved, only temporarily.

9. The political activity which took place in the early part of 1947 produced a full, but soon after the partition plan was announced on the 3rd June 1947, clear indications began to be received that the country was going to be plunged into a blood bath by the fanatical Sikhs and the militant Hindu groups headed by the Rashtriya Sewak Sangh who had made no secret of their opposition to the partition scheme, in spite of its being accepted by the representatives of all the three major communities.

10. The process of partition itself was marked by all manner of obstructions aimed at depriving Pakistan of its rightful share of financial and other assets. Even in cases in which agreement was reached the implementation was delayed or sabotaged.

11. At this stage the main chain of events which eventually brought untold suffering to millions of people of East Punjab, Rajputana and the United Provinces was set in motion with a carefully prepared attack on a Special Train carrying Pakistan Government employees and their families from Delhi to Karachi on the 9th August 1947. As the plan unfolded itself it became clear that the Sikhs encouraged and actively assisted by the Hindus had determined to liquidate by violent and bloody means the entire Muslim population of East Punjab.

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The object of the plan was to kill or drive out Mussalmans in order to settle the Sikh population which was being pulled out of West Punjab under a planned scheme. The *modus operandi* was to disarm the Muslim population and then to leave it at the mercy of armed bands who were actively assisted by the army and the police. There is abundant evidence that this plan had the full support and active assistance not only of the officers of the Provincial Government but also of the Sikh States such as Patiala, Kapurthala, and Faridkot. Alwar and Bharatpur had already set the example in eliminating their entire Muslim population, but they were soon outdone. Kapurthala which like Kashmir was a Muslim majority State has today not a single Muslim left. Similarly large tracts of Muslim majority areas which under the Boundary Award had been most unjustly included in East Punjab were depopulated. The whole country was ravaged by fire and sword, vast numbers were butchered and countless women were abducted. Indeed decency forbids mention of some crimes committed against women. Millions were forcibly and ruthlessly driven out of their homes. The process went on sector by sector and culminated in the tragedy that was enacted in Delhi, the capital of India. According to the Government of India itself there was a complete breakdown of administration for a number of days. The destruction and desecration of mosques, tombs and holy places and forcible conversions on a mass scale were special features of these happenings.

12. This plan of liquidation of the Muslim population is still proceeding despite the pious professions of the Government of India. The latest example of this is provided by the happenings in the holy city of Ajmer. The Government of Pakistan find it difficult to believe that under the circumstances the Government of India are innocent of all complicity in this vast scheme of "genocide" started by the Sikhs and Hindus and encouraged and supported by persons in authority as a means of destroying the newly created State of Pakistan. The Mussalmans of India are being subjected to calculated insults and humiliations. All sorts of tests of loyalty are being demanded from them. The one on which particular emphasis is laid is that they should denounce

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Pakistan and try to undo the partition and exprese their readiness to fight Pakistan on the side of India in the event of war between the two Dominions. It is a matter for deep regret that even today responsible members of the Government of India, including yourself, openly declare their intention or hope of bringing Pakistan back into the Indian Union, well knowing that this can be done only through conquest by arms. Such an attitude can only mean that the Hindu and Sikh leaders while giving their agreement to the partition plan did so without any intention of permitting its implementation and, further, that India is determined to undo the settlement by all means available at its disposal. In other words Pakistan's very existence is the chief '*casus belli*' so far as India is concerned. It is this impossible position which manifests itself time and again in all of India's dealings with Pakistan, whether political, economic or financial and unless an effective remedy is found it is difficut to see how a direct clash can be avoided with the best will in the world.

13. The events which took place following the announcement of the accession of Junagadh and Manavadar States to Pakistan lend further support to the contention of the Pakistan Government that the Government of India intend by all possible means at their disposal to destroy Pakistan.

In accordance with the agreed scheme of partition and the Indian Independence Act, 1947, Indian States were under no compulsion to join either of the two Dominions. Notwithstanding this clear provision the Government of India by a combination of threats and eajolery forced a number of States into acceding to the Indian Union. The Rulers of Junagadh and Manavadar were similarly threatened with dire consequences but they stood firm and exercised their right of joining Pakistan in preference to India. This was the signal for India to launch with full force her attack, using every possible weapon in order to force the States against their will, to change their affiliation. Protests were made to the Pakistan Government, pointing out that a State which had a Hindu majority population could not accede to Pakistan, as the country had been divided on a communal basis. Another reason given was that Junagadh was not physically contiguous to Pakistan and that its accession to

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Pakistan was calculated to cause disruption in the integrity of India. Simultaneously with these protests, the Government of India put large bodies of Indian troops on the borders of Junagadh and encouraged the neighbouring Hindu States, which had acceded to India, to do likewise. In clear violation of the standstill agreement the Junagadh State was subjected to an economic blockade involving stoppage of all vital supplies, including food, cloth and coal into the State territory. Lines of communication, including railway and telegraph, were operated in such a manner that it became impossible for the State or the Muslim population of Junagadh to communicate with the outside world. A strong press campaign calculated to destroy the morale of the State administration and to create panic among the population was launched both inside and outside the State.

Another line of attack was adopted by setting up the so-called 'provisional government' with headquarters first at Bombay and later at Rajkot, which claimed the right to liberate the non-Muslim population of the Junagadh State. The so-called 'Azad Fauj' of the 'Privisional Government' was created and armed by the officers of the Indian Dominion. The 'Provisional Government' not only proceeded to seize by force State property in Rajkot, but by methods of sheer 'gangsterism' created conditions in which it became impossible for the State Administration to function. At this point the Government of India sent its troops and occupied the State under the plea of an alleged 'invitation' by the Dewan. Since then an orgy of murder, arson, rape and loot has been let loose in Kathiawar by the Military Forces of India in exactly the same manner as in Northern India and hundreds of thousands of Muslims have had to flee from the State. According to newspaper reports Mr. Samaldas Gandhi, the head of the so-called provisional government, has openly thanked a member of your government for all the assistance received. All this was done in sheer disregard of the international code of conduct and ordinary neighbourly decency. In the interest of peace between the two Dominions Pakistan refrained from sending a single soldier to Junagadh. Occupation by force of Junagadh which is Pakistan territory is a clear act of aggression against Pakistan.

14. In the case of Manavadar even the thin camouflage of a

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semblance of justification was not considered necessary and the State was taken under military occupation without the slightest explanation being given. A similar fate befell the Talukdari States of Sardargarh Bantva, Sultanabad and Mangrol. The unfortunate rulers of some of these States have been kept in detention and have been subjected to considerable pressure to wean them from their affiliation to Pakistan.

15. This brief account of India's dealings with a friendly State can leave no doubt in the mind of any impartial person that the new India does not feel herself bound by any moral or international code of rules. The Military *coup d'etat* by which the occupotion of Junagadh and Manavadar and other States was achieved is of one piece with the general scheme of destroying the integrity and the very existence of Pakistan to which reference has been made. We have formally drawn your attention to the various acts of hostility culminating in actual seizure of Pakistan territory by the India Government in Junagadh, but have not received even the courtesy of a reply. Perhaps now that you propose to take the case of Kashmir to the U.N.O. you would be good enough to let us know why in spite of our clear request you have not withdrawn from the territories of Junagadh, Manavadar and Mangrol, etc.?

In this connection it is of interest to note that the arguments advanced by India for refusing to accept the accession of Junagadh to Pakistan have been conveniently and completely ignored in connection with the accession of Kashmir to the Indian Dominion. This again is fully in keeping with the general political attitude of India towards Pakistan.

16. These are not the only examples of aggression against Pakistan territory. Numerous raids by armed bands assisted by the police and military have taken place across the border into Pakistan. The Royal Indian Air Force have been made repeated attacks on Pakistan territory causing damage to life and property.

17. Another illustration of the same attitude is provided by the refusal of the India Government to implement the recent financial agreement of all outstanding cases which had been referred to the Arbitral Tribunal. The India Government i s

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deliberately withholding the payment of rupees fiftyfive crores of the cash balances which is the legal due of the Pakistan Government according to this agreement. This is the latest manifestation of their desire to strangle Pakistan financially and economically which characterised the partition proceedings. In the case of military stores there has been a similar refusal to implement the agreement. The Supreme Commander who was appointed as a neutral authority under the Joint Defence Council to carry into effect the partition of the armed forces and military stores was forced, despite the protestations of the Pakistan Government, to leave by your government long before he could complete his task. At the time this was done the Indian representatives on the Joint Defence Council pledged the word of the India Cabinet that Pakistan would receive her due share of military shares. This pledge like other similar pledges of the India Government has not been honoured and the slight trickle of military stores to Pakistan shows signs of stopping altogether.

18. To sum up, our counter-charges against the Dominion of India are as follows:

1. That India has never wholeheartedly accepted the partition scheme but her leaders paid lip service to it merely in order to get the British troops out of the country;
2. That India is out to destroy the State of Pakistan which her leaders persistently continue to regard as part of India itself;
3. That the systematic sabotage against the implementation of partition, the stoppage of such essential requirements as coal and rail transport, the deliberate withholding of Pakistan's share of funds and arms and equipment, the wholesale massacres of Muslim population are all designed towards one aim, namely, the destruction of Pakistan;
4. That India's forcible occupation of Junagadh, Manavadar and other States in Kathiawar which had acceded to Pakistan, as well as the fraudulent procurement of the accession of Jammu and Kashmir State are acts of

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hostility against Pakistan whose destruction is India's immediate objective.

19. I however note with pleasure your assurance that the Government of India have always desired and still earnestly desire to live terms of friendship with Pakistan. On behalf of the Pakistan Government I fully and sincerely reciprocate this desire. I am constrained, however, to observe that the Government of India have at no stage afforded any practical proof of their desire to live on terms of friendship with Pakistan, more particularly in the case of Junagadh and Kashmir. On my side I can assure you that the earnest desire of the Government of Pakistan to live on terms of friendship with India has in many instances restrained the Government of Pakistan from taking action which would not only have been legally justifiable, but was in several instances urgently called for, and yet was not adopted in the hope that the attitude of the Government of India might even during these later stages be more favourably affected towards Pakistan. I find it more and more difficult to persuade myself to continue to entertain that hope. The course of events, very briefly set out above, would normally have been treated as a chain of aggression justifying extreme action on the part of the aggrieved Government. Now that your letter of the 22nd December 1947 has indicated an intention on the part of the Government of India to invite the intervention of the United Nations, a course which the Pakistan Government has so far ineffectively suggested to the Government of India, for the resolving of their differences, I have taken this opportunity to invite your attention to the main heads of the differences between the two Governments that stand in the way of an amicable adjustment of our relations. It is my most earnest hope that these differences may be speedily composed and that our relations will thereafter ever continue to be on the most cordial, co-operative and friendly basis. I trust you will agree that the intervention of the United Nations, whatever form it is to take, should be invited in respect of all these matters, so that all pending differences may be speedily resolved.

Yours sincerely
LIAQUAT ALI KHAN

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To

The Honourable Pandit Jawaharlal Nehru,
Prime Minister, India, New Delhi.

(30)

TELEGRAM, DATED THE 3RD (RECEIVED 4TH) JANUARY 1948, FROM FOREIGN, KHARACHI, TO FOREIGN, NEW DELHI

Your telegram, January 3rd.

Your messages still unworkable. There appears to be some mistake on your side. Please check and let us know drum type setting. Meanwhile grateful if messages are repeated in another system.

(31)

TELEGRAM, DATED THE 2ND JANUARY 1948, FROM FOREIGN, NEW DELHI, TO FOREIGN, KARACHI.

Your telegram of January 1st, following is repetition of our telegram of December 31st which has been checked and found correct. *Begins.*

From Prime Minister, India, to Prime Minister, Pakistan.

You will remember that, on 22nd December, I handed personally to you a letter regarding Kashmir. In my telegram to you, (dated 26th December), I remined you of the letter and repeated request for an early reply.

I regret to say that I have heard nothing from you so far, and, as we cannot afford to wait any longer, we are making a reference to the Security Council in terms of my immediately following telegram. *Ends.*

(32)

TELEGRAM, DATED THE 3RD (RECEIVED 4TH) JANUARY 1948, FROM FOREIGN, KARACHI, TO FOREIGN, NEW DELHI.

Please cancel our telegram of date. We have decyphered telegrams. Regret inconvenience.

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(33)

TELEGRAM, DATED THE 3RD JANUARY 1948, FROM PRIME MINISTER, INDIA, TO PRIME MINISTER, PAKISTAN, KARACHI.

Your most Immediate telegram of 3rd January. Text of our communication to Security Council was transmitted to you on 31st December. In Foreign Karach, telegram of January 2nd we were informed that code could not be worked at your end. We have therefore telegraphed text of our telegram of 31st December 1947, today in our telegram.

(34)

TELEGRAM, DATED THE 3RD (RECEIVED 4TH) JANUARY 1948, FROM FOREIGN, KARACHI, TO FOREIGN, NEW DELHI.

From Prime Minister, Pakistan, to Prime Minister, India.

Your telegram, dated January 2nd, giving a repeat of your telegram, dated 31st December. In telegram you refer to a telegraphic reminder sent by on 26th December. No such telegram was received by me. Message, dated December 26th, 1947, from Foreign, New Delhi, referred to Mukand Steel works and not (repeat not) to Kashmir. You also say that you heard have nothing from me so far till the 31st December. I do not understant how you can assert this in face of my most Immediate telegram, dated December 30th, in which I stated that I would hand over the reply to your High Commissioner on 30th December. I repeat below my telegram for your information.

Begins. From Liaquat Ali Khan for Pandit Jawaharlal Nehru. My reply to your letter, dated September 11th, regarding Kashmir which you gave to me at Delhi will be handed over to your High Commissioner tody for transmission to you by air. *Ends.*

(35)

TELEGRAM, DATED 6TH JANUARY 1948, FROM FOREIGN, NEW DELHI, TO FOREIGN, KARACH.

From Prime Minister, India, to Prime Minister, Pakistan. Please refer to your telegram, dated 3rd January. My telegram,

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dated 26th December, did not (repeat not) refer to the Mukand Steel Works. For convenient reference, I am having the text of it repeated in my immediately following telegram. The telegram regarding the Mukand Steel Works at Lahore issued from here on the 25th December and bears different number.

2. I would specially invite your attention to the second paragraph of my telegram which refers to the letter which I handed to you personally on Monday, 22nd December. The only letter that I wrote to you on that date related to Kashmir.

3. Your reply to my letter of the 22nd December, which you say was handed to our High Commissioner in Karachi on the 30th, reached Delhi only on the morning of January 1st. My statement, therefore, that I had heard nothing from you till the 31st December was quite correct.

(36)

LETTER FROM PRIME MINISTER, INDIA, TO PRIME MINISTER, PAKISTAN, DATED THE 5TH JANUARY 1948

DEAR MR. LIAQUAT ALI KHAN,

Your letter of the 30th December was received in New Delhi on the 1st January. I had gone to Lucknow for the day and did not, therefore, get it until the 2nd. On the 3rd I had to visit Ajmer and yesterday, the 4th, was fully occupied with celebrations of Burma's Independence and other business. This will explain the delay in my sending you a reply.

2. I do not think that any useful pupose will be served by my attempting to answer, at length, the counter-charges that you have made against India in paragraph 18 of your letter. Pakistan's accusations that the accession of Jammu and Kashmir was procured by conspiracy, fraud and force has been repeatedly made by you and as frequently denied and refuted by us. So far as the case of Junagadh and Manavadar are concerned, we maintain that there is no parallel between them and that of Kashmir.

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3. Any impartial person familiar with the tragic happenings in the Punjab will recognise the complete baselessness of the suggestion that India oragnised the wholesale massacre of the Muslim population in any part of its territories. Massacres of non-Muslims began first in 1946 in Calcutta, and in March 1947 in the West Punjab. What happened in India against Muslims was by way retaliation against the atrocities perpetrated on non-Muslims first in Calcutta, and, later, in territories which are now part of Pakistan, *e.g.*, Noakhali and the West Punjab. We have not only not encouraged, but openly and consistently condemned retaliation. We have also done everything in our power to protect Muslim minorities in India. We claim that we have done so more effectively than Pakistan.

4. I am not aware that there has been any stoppage of essential requirements, such as coal and rail transport, as a kind of sanction against Pakistan. Where delays have occurred these have been due entirely to other causes, *e.g.*, shortage of wagons, or, in the disturbed areas of the Punjab, to dislocation of traffic owing to the disturbances.

5. There has been no deliberate withholding of Pakistan's share of funds and arms and equipment with intent to apply pressure to Pakistan. As I have already tried to explain to you we stand by the financial agreement that was recently reached. Payment has been deferred because we cannot, while operations against Jammu and Kashmir State are being conducted from bases in Pakistan, with Pakistan's connivance and assistance, reasonably, be expected to make available funds which might be used to intensify military operations against us.

6. The first two charges, *viz.*, that India has never wholeheartedly accepted the partition scheme, and that India is out to destroy the State of Pakistan which her leaders persistently continue to regard as part of India itself, are completely devoid of foundation, and I must emphatically repudiate them. Had we not desired to accept the partition scheme, nothing would have been simpler for us than to refuse acceptance when the scheme was first put forth. India has no responsibility for

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the sequence of events which you regard as evidence of India's resolve to destroy the State of Pakistan. The provocation for the events came from Pakistan. It is true that some of us have expressed the view that India and Pakistan must draw closer to each other. The facts of history and geography fully justify this conclusion. Two neighbouring State such as Pakistan and India can either be friends, or live in a state of veiled or of open hostility. No responsible Indian leader has ever thought that Friendship between India and Pakistan, which is more desirable than mistrust or enmity, should be achieved by forcible compulsion of Pakistan into political union with India.

7. In conclusion, I would add that while I fully share your hope that our approach to the United Nations Security Council will help to lay the foundation of friendlier relations between Pakistan and India, it is not possible for us to invite the intervention of the Council on all the matters which you have mentioned. Peace between India and Pakistan is not threatened either by past events or by the entirely imaginary hostile motives that are attributed to us, but by the hostilities that are now in progress in general in Kashmir State between the Indian State forces on the one and the invaders, tribesmen and Pakistan nationals, operating from bases in Pakistan and with assistance drawn from Pakistan, on the other. This is an issue at once clear-cut and urgent, and, unless valuable time is to be wasted on acrimonious debate, this is the issue for the settlement of which the Security Council must, in our opinion, exclusively apply itself.

(37)

TELEGRAM, DATED THE 7TH (RECEIVED 8TH) JANUARY 1948, FORM PUNSG, LAHORE, TO FOREIGN, NEW DELHI.

Following from Liaquat Ali Khan for Jawaharlal Nehru.

Your statement that India would be completely justified in attacking Pakistan territory on plea of attacking alleged basis of so-called invaders has created situation particularly in districts adjoining Kashmir territory which makes it undesir-

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able that Indian Liaison Officers and troops should operate in these districts. I request that instructions should please be issued withdrawing your Liaison Officers and troops within 48 hours from following districts:—

Sialkot, Gujrat, Jhelum, Rawalpindi and Campbellpore.

Government of Pakistan will make all necessary arrangements for evacuation of any non-Muslims including abducted women still remaining in pockets.

(38)

TELEGRAM, DATED THE 9TH JANUARY 1948, FROM FOREIGN, NEW DELHI, TO PRIME MINISTER, PAKISTAN, LAHORE

For Liaquat Ali Khan from Jawaharlal Nehru.

Your telegram of 7th January. My statement that India would be justified in sending troops to Pakistan bases near Kashmir border to stop invaders from entering Kashmir was mere repetition of what I have frequently stated. If India is attacked by people coming from Pakistan or *via* Pakistan territory we are entitled to expect Pakistan Government to stop them and prevent invasion of India. If Pakistan Government is unwilling or unable to stop them then India is necessarily justified in taking measures to stop them herself. We have however avoided taking any such measures because of our earnest desire to prevent further conflict, involving grave consequences. We shall continue this policy unless circumstances compel us to act otherwise. Even now I would request your Government to prevent the use of your territory for purposes of invasion of Indian Dominion territory.

In view, however, of your request we are withdrawing our Liaison Officers and troops from Sialkot, Gujrat, Jhelum, Rawalpindi and Campbellpore District. We would request you also to withdraw your Liaison Officers and troops from Gurdaspur District.

We trust that your Government will make all necessary arrangements for evacuation of non-Muslims left in pockets

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and more specially abducted women. During last few weeks this process has slowed down very greatly on the Pakistan side while we have restored to Pakistan over 2,900 women. We propose to continue our efforts to restore abducted women and would earnestly request you to speed this process in Pakistan.

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2

Agreement between Military Representatives of India and Pakistan Regarding the Establishment of a cease-fire line in the State of Jammu and Kashmir, 27 July 1949 (S/AC.12/TC.4)[1]

I. Introduction

A. The military representatives of India and Pakistan met together in Karachi from 18 July to 27 July 1949 under the auspices of the Truce Sub-Committee of the United Nations Commission for India and Pakistan.

B. The members of the Indian delegation were: Lieutenant General S. M. Shrinagesh, Major General K. S. Thimayya, Brigadier S.H.F.J. Manekshaw. As observers: Mr. H.M. Patel, Mr. V. Sahay.

C. The members of the Pakistan delegation were: Major General W.J. Cawthorn, Major General Nazir Ahmed, Brigadier M. Sher Khan. As observers: Mr. M. Ayub, Mr. A.A. Khan.

[1]S.C.O.R., 4th Yr., Special Supple. No. 7, Annex 26, pp. 126-9.

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D. The members of the Truce Sub-Committee of the United Nations Commission for India and Pakistan were: Mr. Hernando Samper (Colombia), Chairman; Mr. William L.S. Williams (United States); Lieutenant General Maurice Delvoie, Military Adviser; Mr. Miguel A. Marin, Legal Adviser.

II. Agreement

A. *Considering*

1. That the United Nations Commission for India and Pakistan, in its letter dated 2 July 1949, invited the Governments of India and Pakistan to send fully authorized military representatives to meet jointly in Karachi under the auspices of the Commission's Truce Sub-Committee to establish a cease-fire line in the State of Jammu and Kashmir, mutually agreed upon by the Governments of India and Pakistan;

2. That the United Nations Commission for India and Pakistan in its letter stated that "the meetings will be for military purposes; political issues will not be considered", and that "they will be conducted without prejudice to negotiations concerning the truce agreement";

3. That in the same letter the United Nations Commission for India and Pakistan further stated that: "The cease-fire is a complement of the suspension of hostilities, which falls within the provisions of part I of the resolution of 13 August 1948, and can be considered separately from the question relating to part II, of the same resolution";

4. That the Governments of India and Pakistan, in their letters dated 7 July 1949 to the Chairman of the Commission, accepted the Commission's invitation to the military conference in Karachi;

B. *The delegations of India and Pakistan, duly auteorized, have reached the following agreement*

1. Under the provisions of part I of the resolution of 13 August 1948, and as a complement of the suspension of hostilities in the State of Jammu and Kashmir on 1 January 1949, a cease-fire line is established.

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2. The cease-fire line runs from *Manawar* in the south, north to *Keran* and from *Keran* east to the glacier area, as follows:

(*a*) The line from *Manawar* to the south bank of the *Jhelum* River at *Urusa* (inclusive to India) is the line now defined by factual positions about which there is agreement between both parties. Where there has hitherto not been agreement, the line shall be as follows:

(i) In *Patrana* area: *Kohel* (inclusive to Pakistan) north along the *Khuwala Kas* Nullah up to Point 2276 (inclusive to India), thence to *Kirni* (inclusive to India).

(ii) *Khambha, Pir Satwan*, Point 3150 and Point 3606 are inclusive to India, thence the line runs to the factual position at *Bagla Gala*, thence to the factual position at point 3300.

(iii) In the area south of *Uri* the positions of *Pir Kanthi* and *Ledi Gali* are inclusive to Pakistan.

(*b*) From the north bank of the *Jhelum* River the line runs from a point opposite the village of *Urusa* (NL 972109), thence north following the *Ballaseth Da Nar* Nullah (inclusive to Pakistan), up to NL 973140, thence north-east to *Chhota Qazinag* (Point 10657, inclusiv to India), thence to NM 010180, thence to NM 037210, thence to Point 11825 (NM 025354, inclusive to Pakistan), thence to *Tutmari Gali* (to be shared by both sides, posts to be established 500 yards on either side of the *Gali*), thence to the north-west through the first "R" of *Burji Nar* to north of *Gadori*, thence straight west to just north of Point 9870, thence along the black line north of *Bijidhar* to north of *Batarasi*, thence to just south of *Sudpura*, thence due north to the *Kathaqazinag* Nullah, thence along the Nullah to its junction with the *Grangnar* Nullah, thence along the latter Nullah of *Kajnwala Pathra* (inclusive to India), thence across the *Danna* ridge (following the factual positions) to *Richmar Gali* (inclusive to India), thence

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north to *Thanda Katha* Nullah, thence north to the *Kishanganga* River. The line then follows the *Kishanganga* River up to a point situated between *Jargi* and *Tarban*, thence (all inclusive to Pakistan), to *Bankoran*, thence north-east to *Khori*, thence to the hill feature 8930 (in Square 9053), thence straight north to Point 10164 (in Square 9057), thence to Point 10323 (in Square 9161), thence north-east straight to *Guthur*, thence to *Bhutpathra*, thence to NL 980707, thence following the *Bugina* Nullah to the junction with the *Kishanganga* River at Point 4739. Thereafter the line follows the *Kishanganga* River to *Keran* and onwards to Point 4996 (NL 975818).

(*c*) From point 4996 the line follows (all inclusive to Pakistan) the *Jamgar* Nullah eastward to Point 12124, to *Katware*, to Point 6678, then to the north-east to *Sarian* (Point 11279), to Point 11837, to Point 13090, to Point 12641, thence east again to Point 11142, thence to *Dhakki*, thence to Point 11415, thence to Point 10301, thence to Point 7507, thence to Point 10685, thence to Point 8388, thence south-east to Point 11812. Thence the line runs (all inclusive to India) to Point 13220, thence across the river to the east to Point 13449 (*Durmai*), thence to Point 14586 (*Anzbari*), thence to Point 13554, thence to Milestone 45 on the *Burzil* Nullah, thence to the east to *Zlankal* (Point 12909), thence to the south-east to Point 1114, thence to Point 12216, thence to Point 12867, thence to the east to Point 11264, thence to *Karo* (Point 14985), thence to Point 14014, thence to Point 12089, thence following the track to Point 12879. From there the line runs to Point 13647 (*Karobal Gali*, to be shared by both sides). The cease-fire line runds thence throughout *Retagah Chhish* (Point 15316), thence through Point 15889, thence through Point 17392, thence through Point 16458, thence to *Marpo La* (to be shared by both sides), thence through Point 17561, thence through Point 17352, thence through Point 18400,

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thence through Point 16760, thence to (inclusive to India) *Dalunang*.

(*d*) From *Dalunang* eastwards the cease-fire line will follow the general line Point 15495, *Ishmam*, *Manus*, *Gangam*, *Gunderman*, Point 13620, *Junkar* (Point 17628), *Marmak*, *Natsara*, *Shangruti* (Point 17531), *Chorbat La* (Point 16700), *Chalunka* on the *Shyok* River), *Khor*, thence north to the glaciers. This portion of the cease-fire line shall be demarcated in detail on the basis of the factual position as of 27 July 1949 by the local commanders, assisted by United Nations Military Observers.

C. The cease-fire line described above shall be drawn on a one-inch map (where available) and then be verified mutually on the ground by local commanders on each side with the assistance of the United Nations Military Observers, so as to eliminate any no-man's land. In the event that the local commanders are unable to reach agreement, the matter shall be referred to the Commission's Military Adviser, whose decision shall be final. After this verification, the Military Adviser will issue to each High Command a map on which will be marked the definitive cease-fire line.

D. No troops shall be stationed or operate in the areas of the *Burzil* Nullah from south of *Minimarg* to the cease-fire line. This area is bounded on the west by the ridge leading north-east from *Dudgaikal* to Point 13071, to Point 9447, to point 13466, to Point 13463, and on the east by the ridge running from Point 12470, to Point 11608, to 13004 to Point 13976, to Point 13450. Pakistan may, however, post troops on the western (*sic*) of the above ridges to cover the approaches to *Kamri Bal* Pass.

E. In any dispositions that may be adopted in consequence of the present agreement troops will remain at least 500 yards from the cease-fire line except the *Kishanganga* River constitutes the line. Points which have been shown as inclusive to one party may be occupied by that party, but the troops

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of the other party shall remain at a distance of 500 yards.

F. Both sides shall be free to adjust their defensive positions behind the cease-fire line as determined in paragraphs A through E, inclusive, subject to no wire or mines being used when new bunkers and defences are constructed. There shall be no increase of forces or strengthening of defences in area where no major adjustments are involved by the determination of the cease-fire line.

G. The action permitted by parograph F above shall not be accompanied or accomplished by the introduction of additional military potential by either side into the State of Jammu and Kashmir.

H. Except as modified by paragraphs A to G, inclusive, above, the military agreements between the two High Commands relating to the cease-fire of 1 January 1949 shall continue to remain operative.

I. The United Nations Commission for India and Pakistan will station observers where it deems necessary.

J. The delegations shall refer this agreement to their respective Governments for ratification. The document of ratification shall be deposited with the United Nations Commission for India and Pakistan not later than 31 July, 1949.

K. A period of thirty days from the date ratification shall be allowed to each side to vacate the areas at present occupied by them beyond the cease-fire line as now determined. Before the expiration of this thirty-day period there shall be no forward movement into areas to be taken over by either side pursuant to this agreement, except by mutual agreement between local commanders.

In faith whereof the undersigned sign this document in three original copies.

Done in Karachi on 27 July, 1949.
For the Government of India.

(*Signed*) S. M. SHRINAGESH

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For the Government of Pakistan:

(*Signed*) J. CAWTHORN
Major General

For the United Nations Commission for India and Pakistan:

(*Signed*) HERNANDO SAMPER
M. DELVOIE

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3

Agreement between the Government of Indian-Occupied Jammu and Kashmir and the Government of India Concluded in New Delhi, 24 July 1952[1]

Citizenship

It was agreed that in accordance with Article 5 of the Indian Constitution persons who have their domicile in the Jammu and Kashmir State shall be the citizens of India. It was further agreed that the State legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regards to acquisition of immovable property, appointments to services and like matters. Till then the existing State law would apply. It was also agreed that special provision should be made in the laws governing citizenship to provide for the return of those permanent residents of Jammu and Kashmir State, who went to Pakistan in connection with the disturbances of 1947 or in fear of them as well as of those who had left for Pakistan earlier but could not

1. From the Statement of Sheikh Abdullah in the State Constituent Assembly, 11 August 1952. A.G. Noorani, *The Kashmir Question*, pp. 95-109.

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return. If they returned, they should be entitled to the rights, and privileges and obligations of citizenship.

Fundamental Rights

It is obvious that while our Constitution is being framed, the fundamental rights and duties of a citizen have necessarily got to be defined. It was agreed, however, that the Fundamental Rights, which are contained in the Constitution of India, could not be conferred on the residents of the Jammu and Kashmir State in their entirety taking into account the economic, social and political character of our movement as enunciated in the New Kashmir Plan. The need for providing suitable modifications, amendments and exceptions as the case may be in the Fundamental Rights Chapter of the Indian Constitution in order to harmonize those provisions with the pattern of our principles was admitted. . . .

Supreme Court

It was agreed that the Supreme Court should have original jurisdiction in respect of disputes mentioned in Article 131 of the Constitution of India. It was further agreed that the Supreme Court should have jurisdiction in regard to Fundamental Rights which are agreed to by the State.

One behalf of the Government of India, it was recommended that the Advisory Board in the State, designated "His Highness's Board of Judicial Advisers" should be abolished and the jurisdiction exercised by it should be vested in the Supreme Court of India. That is to say that the Supreme Court should be the final court of appeal in all civil and criminal matters as laid down in the Constitution of India.

We, however, felt that this should need a detailed examination and consequently it was agreed that we should have time to consider it further.

National Flag

We agreed that in view of the clarifications issued by me in my public statements while interpreting the resolution of this House according to which the old State flag was substituted by

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a new one, it was obvious that the new State flag was in no sense a rival of the national flag. But for historical and other reasons connected with the freedom struggle in the State, the need for the continuance of this flag was recognized. The Union flag to which we continue our allegiance as a part of the Union will occupy the supremely distinctive place in the State.

Headship of the State

I am glad to inform this House that the Government of India have appreciated the principle proposed by the Basic Principle Committee as adopted by this Assembly in regard to the abolition of the hereditary rulership of the State. In order to accommodate this principle, the following arrangement was mutually agreed upon:

(*i*) The Head of the State shall be the person recognized by the President of the Union on the recommendation of the legislature of the State.

(*ii*) He shall hold office during the pleasure of the President.

(*iii*) He may, by writing under his hand addressed to the President, resign his office.

(*iv*) Subject to the foregoing provisions, the Head of the State shall hold office for a term of five years from the date he enters upon his office.

(*v*) Provided that he shall, notwithstanding the expiration of his term, continue to hold the office until his successor enters upon his office.

Financial Integration

In regard to this subject, we agreed that it would be necessary to evolve some sort of financial arrangement between the State and the Indian Union. But as this involved far-reaching consequences, it was felt that a detailed and objective examination of this subject would be necessary.

Emergency Powers

On behalf of the Government of India, it was stated that

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the application of Article 352 of the Constitution was necessary as it related to vital matters affecting the security of the State. They did not press for the application of Article 356 or 360.

In order to meet our viewpoint, it was suggested on behalf of the Government of India that Article 352 might be accepted as it is with the addition at the end of the first paragraph (1) of the following words: "but in regard to internal disturbance at the request or with the concurrence of the Government of the State."

We generally accepted this position, but wanted some time to consider the implications and consequences as laid down in Articles 353, 358 and 359 which on the whole we accepted. In regard to Article 354, we wanted to examine it further before expressing our opinion.

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4

Article 370 of the Indian Constitution

[1]370. (1) Notwithstanding anything in this Constitution,—

(*a*) the provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir;

(*b*) the power of Parliament to make laws for the said State shall be limited to—

(i) those matters in the Union List and the Concurrent List which, in consultation with the Govern-

[1]In excerse of the powers conferred by this article the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, dclared that, as from the 17th day of November, 1952 the said art. 370 shall be operative with the modification that for the *Explanation* in cl. (1) thereof, the following *Explanation* is substituted, namely:—

"*Explanation.*—For the purposes of this article, the Government of the State means the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State as the *Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office.".

(Ministry of Law Order No. C.O. 44, dated the 15th November, 1952)

*Now "Governor".

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ment of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(*ii*) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation.—For the purposes of the article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers] for the time being in office under the Maharaja's Proclamation dated the 5th day of March, 1948;

(*c*) the provisions of Article 1 and of this article shall apply in relation to that State;

(*d*) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order[1] specify:

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (*i*) of sub-clause (*b*) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (*ii*) of sub-clause (*b*) of clause (1) or in the second proviso to sub-clause (*d*) of that clause be given before the Constituent Assembly for the purpose of framing

[1]*See* the Constitution (Application to Jammu and Kashmir) Order, 1954 (C.O. 48) as amended from time to time, in Appendix 1.

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the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

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5

Pakistan's White Paper on Jammu and Kashmir

When reports of clashes between China and India in the Ladakh region were first received in October-November 1959, President Ayub Khan expressed concern at China's military advance. A strong representation to him from Mr. Bhutto, the leader of Pakistan's delegation to the General Assembly, persuaded him to change this line, at least in public.

On 12 October 1962, Prime Minister Nehru announced that he had ordered the Indian Army to clear the Chinese forces out of the disputed territory in the north. The Indian offensive provoked a decisive counter-attack from China all along the China-India border on 20 October. The result was a general retreat of the Indian Army. While large-scale fighting was in progress Prime Minister Nehru addressed a letter to President Ayub Khan on 26 October which concluded with an appeal for Pakistan's "sympathy and support".

This was followed on 28 October by a letter from President Kennedy informing President Ayub Khan that the United States would render military assistance to India. The main assumption in the letter was that President Ayub Khan would share the alarm which the United States as a leader of the free world must take at any aggresive expansion of Communist power.

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Accordingly it asked him to make a move of the greatest importance which only he could make. This was to signal to the Indians in a quiet but effective way that the concern, however unjustified, that had led them to maintain the greater part of their military power on their borders with Pakistan should be put aside in the present crisis. President Kennedy thought that perhaps an effective way would be a private message from President Ayub Khan to Mr. Nehru to count on Pakistan's taking no action on the frontiers to alarm India.

This was accompanied bs similar suggestions from the United Kingdom. The Prime Minister of the United Kingdom said a message of 25 October to President Ayub Khan which said that China's "act of aggression" must be a cause of considerable concern to President Ayub Khan. In line with the thought that President Ayub Khan had put forward at the Commonwealth Prime Ministers' meeting earlier that year (10-19 September 1962) Prime Mieister MacMillan hoped,"this external threat to the whole subcontinent" might indirectly have the effect of bringing Pakistan and India—closer together. In the British view, it was indeed fortunate that at that crucial time Pakistan could count on President Ayub Khan's leadership.,

During the height of this crisis, President Ayub Khan continued a tour of Gilgit—far from the centre of activity in the capital. As far as written correspondence goes, he sent replies to President Kennedy on 5 November and to Prime Minister MacMillan on 16 November, to question their reading of the situation which, he asserted, had developed as a consequence of India's "bending over backwards to appease Communism" and her policy of intimidating and threatening Pakistan and abusing the West. But there are indications that he did not withhold the assurance the Western powers had sought. This is clear from the following narrative of development during those crucial days.

On 27 October, the US Ambassador in Delhi Mr. J.K. Gabraith, was provided with information that the Pakistan Foreign Minister, Mr. Mohammad Ali of Bogra, had told Mr. Duncan Sandys, the U.K. Secretary for Commonwealth relations, that Pakistan "would not make India's pain more difficult

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and "that India was in no danger of attack from Pakistan". On 28 October, the Pakistan Foreign Office instructed the ambassador in Washington that "our policy is to keep strictly out of Sino-Indian conflict and also Cuban affairs" and we "do not want to be drawn into any public statements or assurances of any kind".

The Americans made no secret of the fact that they were in no position to compel India to make territorial concessions. On 27 November, the Pakistan High Commissioner in Delhi, after meeting the military members of the Harriman Mission, had informed the Government that the United States felt that "at the present moment, it was not appropriate for Nehru to make territorial concessions to Pakistan in Kashmir" as "by doing so, when he was already greatly shaken and weakened, he would be committing political suicide". The Americans counselled that "Pakistan must, therefore, wait and not turn on pressure at the wrong moment".

The issue that was involved in the triangular situation with regard to Jammu and Kashmir in October-November 1962 needs to be clearly understood. A territory to which Pakistan has potentially a rightful claim, and in which it certainly had a stake, by the terms of natural justice as well those of the settlement of 1947 and the international agreement embodied in UNCIP resolutions of 13 August, 1948 and 6 January 1949, had become a scene of conflict because the power in illegal occupation of the bulk of this territory, India, chose to resist by force the claim of a third party, China, to an area which had never been demarcated by international agreement.

Pakistan had, therefore, a valid reason, indeed the obligation, to intervene in order to ensure that its own interests in Jammu and Kashmir were not jeopardized by the armed conflict between China and the occupying power, India.

Since also Pakistan had no ground, either in international law or in the national interest, to endorse even tacitly India's opposition to China's claim, such intervention would not have ranged it against China. Nor would it mean any perfidy. It was not a question of stabbing India in the back. Nor was it a matter of opportunism towards an ignoble end. Had India not

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committed a breach of its agreements with Pakistan with regard to Jammu and Kashmir? Had India not also conducted a relentless political campaign against Pakistan's alliance with the United States? Had India not—as President Ayub Khan put it—also "abused the West?" What, therefore, justified Pakistan's neutrality in the China-India conflict? If, in such a situation, Pakistan would have asserted its independence and conveyed to the United States that it would act according to its own judgement of the situation and that it regarded the American evaluation as erroneous because this evaluation was made not from Pakistan's or Kashmir's vantage point but from Washington's and was also based on the fallacy of an elemental opposition between American and Chinese interests, Pakistan would not have betrayed its alliance with the United States. It must be recalled in this context that there did not at that time exist the disparity in military strength between Pakistan and India which was to handicap Pakistan in later years.

Against the background of Pakistan's inaction, the diplomatic intervention of the United States and Britain, through Mr Duncan Sandys, UK Secretary of State for Commonwealth Affairs and Mr Averell Harriman, United States Under-Secretary of State, to persuade India to make a renewed effort with Pakistan to resolve the outstanding differences between the two countries on Kashmir and other related matters, had but meagre prospects of success. It is only fair to acknowledge that these intermediaries, particulary Mr Sandys, made considerable exertions to make the talks achieve a result. A US Senator, Mr Mansfield, who also happened to be in Delhi, had used forceful language when advocating to Mr Nehru the urgency of a Kashmir settlement. Mr Harriman was reported to have said to Mr Nehru bluntly that he "did not care what proposal or procedure Mr Nehru put to Pakistan for a settlement of the Kashmir dispute as long as Pakistan got what she should have got at the time of partition". But such good intentions could not change the objective situation created by Pakistan's declared position that she would remain scrupulously neutral in the India-China conflict. On 21 November, President Ayub Khan had addressed a secret session of the National Assembly, it was known that he had argued against any intervention in

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Jammu and Kashmir and had dwelt on the primacy in Pakistan's interest, of the Tarbela Dam project which he did not wish to be endangered. In the circumstances, the sincetity and earnestness of the American and British intermediaries could not offset the lack of any inducement for the talks being productive.

A joint statement was issued on behalf of the President of Pakistan and the Prime Minister of India on 20 November 1962. Only the next day, however, Mr Nehru stated in the Indian Parliament that "anything that involved an upset of the present arrangement would be very harmful to the people of Kashmir as well as to the future relations of India and Pakistan". This threatened a breakdown of the bilateral talks even before they had begun and caused Mr. Sandys to immediately visit Delhi and make a strong protest to Mr Nehru. After the conference, Mr Sandys said that the Indian Prime Minister did not intend to limit the scope of the discussions or to exclude consideration of any solution of the problem. As a result of this urging, Mr Nehru himself gave the assurance on 1 December that "there has never been any question of preconditions or of any restrictions" on the projected talks. Two days later, Mr. Nehru clarified that by his later statement, what he had meant was that each side could freely express its opinion.

Eventually, six rounds of ministerial talks were held between India and Pakistan between 27 December 1962 and 16 May 1963.

Throughout these talks there was considerable pressure exerted, by the United States on the Government of Pakistan to make concessions lest the talks break down. In addition to this external pressure on Pakistan there was another obstructive element in the talks: the Indian delegation had very little authority to negotiate.

The Indian position at the end of the talks, and throughout, was exactly what it had been long before the outbreak of any hostilties between India and China. In December 1961, the Prime Minister of India had indicated that he envisaged a settlement in Kashmir by making some minor adjustments in

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the cease-fire line. He had thus completely dismissed both Pakistan's claims and the force and validity of the international agreement between India and Pakistan, as recorded in their joint acceptance of UN decisions. Now, though India went through the motions of holding talks with Pakistan, it did not make the slightest departure from that position.

At one stage, the Indian delegation suggested that the partition line in the state could be drawn on the basis of "give and take". Out of some 80,000 square miles of territory in Jammu and Kashmir they said the Chinese had seized 12,000 to 14,000 square miles and by the line proposed by India, Pakistan would be conferred possession of more than 34,000 square miles (which India did not possess) and thus India would retain less than half of the entire area concerned (and thus keep what it had). The Foreign Minister of Pakistan, Mr Bhutto, suggested that a talk about the settlement of Kashmir in these terms was like "dividing a birthday cake" and that such an approach was not acceptable to either the Government or the people of Pakistan. "I do not believe", he said, "in a mathematical approach to a human problem: so many square miles for us and so many square miles for you. The aspirations of a people are involved here".

These India-Pakistan talks were preceded or accompanied by international developments which in effect strengthened India and thus weakened whatever chance existed for a settlement. The United Kingdom sent its consignment of military supplies to India on 29 October 1962, and the United States on 3 November. That this was done without prior consultation with Pakistan, contray to the assurance given by President Kennedy to President Ayub Khan in Washington in July 1961, evoked protests from Pakistan. But these were of no avail.

The upshot of these developments was patently antithetical to the assumptions which President Ayub Khan and his followers had maintained over the years and from which followed their reiterated offer of a joint defence with India. Even the United State, the prime opponent, of China at that time, did not fancy the proposition of bringing and pressure on India

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in order to enlist Pakistan's subjectively assessd military prowess, along with India's, in a common anti-Communist front.

With this illusion destroyed, the Pakistan Government was forced to take up the line which had been suggested in November 1959 by Mr Bhutto, as leader of the Pakistan delegation, towards a rethinking of Pakistan's policy towards China especially as it related to the boundary between China and the territory of Jammu and Kashmir not under Indian control. Under the impetus given by the India-China conflict, the exchanges and negotiations for a boundary agreement which had been initiated on 28 March 1961 led to the issuance of a joint Pakistan-China communique on 26 December 1962 registering the fact of a complete agreement in principle. This was followed by the signing of the agreement on 2 March 1963.

This boundary agreement between Pakistan and China initiated a chapter of friendly relations between the two countries which proved to be of immense strength to Pakistan. It was a new element which would potentially work towards ensuring the self-determination of Jammu and Kashmir. That Pakistan, under the leadership of Mr Ayub Khan, failed to realise this potential is clear from the events of 1965.

The White Paper recalls the upsurge in Indian held Kashmir in December 1963 following the disappearance of a holy relic at Hazratbal, occupation of three posts in Kargil by Indian forces in May 1964, civil disobedience movement in Srinagar and other towns in occupied Kashmir, reoccupation of the Kargil posts in August 1965, Indian leader's statement threatening war, frequent aggressions across the cease-fire line by Indian troops, intensification of repression on Kashmiris.

While all these tragic happenings were taking place and India was developing its determined offensive, Pakistan refused to make a prompt, deterrent response. President Ayub Khan, who combined in himself both political and military authority, remained aloof, again prolonging a tour of the northern areas (as in 1962), way from the scene of strife. The fear of escalation, which gripped his mind, inexorably led to escalation itself.

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On 12 May 1965, the Foreign Minister, Mr Bhutto had addressed President Ayub Khan a letter in which he had made the following points:

"India is at present in no position to risk a general war of unlimited duration for the annihilation of Pakistan. Moreover, from what I have been able to gather from authoritative sources, there is for the present at least, the relative superiority of the military forces of Pakistan in terms of quality and equipment. . . . This does not mean that there cannot be a general war of limited duration. The morale of our nameless soldier on the front line is high. He has a poignant choice to react now if India choose to retaliate. This is our hour of decision and may God guide us on the right path."

This assessment had gone unheeded. After some initial probes, India naturally felt emboldened by the lack of resistance on Pakistan's part. Tardily, the Government decided upon an operation in the Chamb sector of Kashmir on 1 September despite the military advantage India had gained through the elements of surprise and careful planning. The Azad Kashmir Forces aided by the Pakistan Army met with instantaneous success. But the forces which were initially committed were too inadequate to capture the strategic objective of Akhnur. There was no proper articulation of command and grouping of forces. This necessitated reinforcements and a change of command in the process of bringing in the Seventh Division after the crossing of the Tawi, vital time was lost which enabled the Indians to recover from the initial shock and to bring in reinforcements on their side. Eventually, India invaded Pakistan when its troops crossed the international frontier towards Lahore and Sialkot on 6 September. Two days earlier, the Indian Air Force in strength had twice violated Pakistan's air space.

On 6 September, the US Ambassador met President Ayub Khan and, in effect, equated the use of force in a disputed territory with that across international frontiers. On no less than three occasions during that meeting the Ambassador told the President, "India has you by the throat". On 8 September, the US State Department announced an embargo on military

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supplies to both India and Pakistan. This affected Pakistan and not India because it was Pakistan which was primarily dependent on the supply of American military equipment. When the same day, Pakistan protested this "grossly unequal treatment" and reminded the United States of its assurances of assistance against aggression given to Pakistan from time to time, the United States reply was that "it did not wish to apportion relative blame in the present case" and did not hold that "aggression was the responsibility of one party alone". On 9 September, the US Ambassador met the Foreign Minister, Mr Bhutto, and handed over to him an *aide memoire* containing the announcement of US embargo on military aid to both Pakistan and India. He explained that the American decision was "not in any sense a punitive action" but "meant only to lend support" to the Secretary-General's peace mission. The Foreign Minister responded, "We are fighting the battle for Pakistan's survival. We had not expected that while we are fighting for our lives and existence, you would do this to us". To the Ambassador's explanation that the action would help the Secretary-General's efforts the Foreign Minister rejoined: "If even action were taken to frustrate the Secretary-General's efforts, it is this which you have just communicated. Please take serious consideration of this matter. Please do not equate us with India. Please inform your Government that this is not the way to respond to an ally when aggression has been committed against that ally. What your action amounts to is that Pakistan is cornered, deserted and ditched. Please communicate these views immediately to the Secretaray of State."

The Foreign Minister added: "If you agree to sell arms to us, we'll sell and barter our commodities, our gold and whatever we have." When the Ambassador said that he had no brief from Washington on the attitude of the United States relating to events after 6 September, the Foreign Minister pointed to the *aide memoire* and said "this does not show that you have no brief, and if history cannot begin for you on 6 September, it will not end for us today on 9 September." The Foreign Minister continued, "What do you expect us to tell our people, our soldiers? That we now go back to where we started, and that all the sacrifices made and the blood that has

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been shed was of no account? . . . Your decision which you have communicated to me has increased our resolve not to accept the Secretary-General's terms." A day later the United States Ambassador brought the proposal that "on humanitarian grounds" Pakistan should agree to exclude East Pakistan from the theatre of war. The Foreign Minister, Mr Bhutto responded that war against any part of Pakistan was aggression on the whole of Pakistan and that, if Pakistan were to accept the US proposal, it would mean agreeing to a division of our country into two separate states. At around the same time (9 September), the US Secretary of State in a public statement, while commending the role of the Soviet Union in supporting the call for a cease-fire and Secretary-General U Thant's peace mission, expressed concern at China's warning to India. On 10 September, Pakistan formally invoked the US assurances of assistance against aggression. The reply of the United States Government stated: "In accordance with our assurances to Pakistan, the United States is urgently to meet this common danger by fully supporting immediate United Nations action to end the hostilities. The appeal of the United Nations Security Council must be honoured."

This evoked the observation from the Foreign Minister Mr Bhutto, that "if the United States could only act through the Security Council then there was no need for alliances". The US Ambassador in Karachi reacted to the proposal for a complete withdrawal of the troops of both India and Pakistan from Jammu and Kashmir by expressing the view that India would not agree to it. Mr Bhutto replied that no progress could be made if India's attitude became "a determining and decisive factor". On the same day a U.S. Presidential assistant warned a Pakistan Embassy official in Washington of President Lyndon Johnson's annoyance with Pakistan and stated that the United States would make it "crystal clear that Pakistan could not expect U.S. assistance in case of a conflict with India". The American official added the observation that—a double defeat for the Indian armed forces, coming after the debacle with China in 1962 would be intolerable for India. Finally, he suggested that confidence between the United States and Pakistan could be restored only by a meeting of the two Presidents

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at the earliest opportunity as they were "good friends". On 12 September, an official Pakistan spokesman stated his Government's intention to appeal to all countries, including China, for material assistence. On 13 September, Secretary of State Rusk said in a public statement that the US regarded plebiscite as part of an over-all settlement. However, in a conversation with the Pakistan Ambassador the same day, he said that the question of Indian aggression could not be divorced from that of infiltration. Despite all these discouraging portents, President Ayub Khan in a public statement in acted the United States to "play a constructive role". This elicited no substantial response.

It was in this situation of India being permitted by a conjunction of forces to continue her armed attack on Pakistan and resist a settlement of the Jammu and Kashmir question that, on 16 September, China addressed a Note to India.

This lent an element of urgency to the settlement of the conflict which could have persuaded the great powers to alter their diplomacy. How President Ayub Khan helped to neutralize this element is one of the most fateful episodes of the Kashmir dispute.

In the second week of the war of September 1965, Pakistan was valiantly fighting for its own survival and for Kashmir's release from alien subjugation. Alone among the great powers China was extending resolute support to its struggle. But despite his public expression of patriotic fervour President Ayub Khan assumed a posture which was anything but that of the leader of a nation at war. He did not leave it to guess that he was tired of the whole business and had no regard either for the object for which Pakistan's soldiers were laying down their lives or the value and significance of China's support. Among number of indications he gave of this attitude, one of the first was apparent from a statement made by him on 15 September. This was reported in the *New York Times* of 16 September. The following excerpts of this despatch by the Rawalpindi correspondent of the newspaper, Jacques Nevard, are quite clear.

"Marshal Ayub's call for the United States to take "a

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giant hand" in bringing peace came when he was asked to comment on Secretary of State Dean Rusk's remarks that China was using the conflict to fish in troubled waters."

"When asked what his reaction would be if President Johnson total Pakistan that the United States would not stand for this war, Marshal Ayub, said: "Well I think they would have to tell both 'cease-fire', and then after that "let's have a little arrangement that these unfortunate things don't happen. Pakistan would understand it".

"The Pakistan President, was asked if he was now pinning his hopes for peace on intervention by the big powers rather than on a military victory. "I am pinning my hopes for a cease-fire really on good common sense", he replied.

"He cleared his throat and said: "I am putting my hopes on good sense—mutual self-interest".

"While we are fighting this battle, let me make it quite clear: its going to do India no good—it's going to do Pakistan no good".

A report by the same correspondent, published on 19 September, stated:

"The President told newsmen that Pakistan was ready to accept a cease-fire even if it did not include a guaranteed plebiscite in Kashmir".

The evaluation of these statements by the concerned foreign observers, as published in the same despatches, was as follows:

"His (President Ayub Khan's) call for the United States to play a very definite role in this part of the world by using its influence to halt the Indian-Pakistani conflict appeared to put him in open opposition to a major foreign policy objective of Communist China. . . .

"Western diplomats here seem delighted with the apparent change".

"Pakistani leaders said today they were ready to fight on if it were necessary, but it was clear that they were looking for any honourable way out. Their appeals to the United

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States were seen here as opening a door for the restoration of good relation with the United States—a virtual slap at China".

On 19 September, Under-Secretary of State Ball told the Minister of the Pakistan Embassy in Washington that "if it could be cleared up that Chinese alignment was not at Pakistan's bidding" things could be sorted out by President Ayub Khan and Lyndon Johnson meeting at an early date. Otherwise, the American reaction would be severe. The US Presidential Assistant, who was present at the meeting interjected that the United States would not take any stand with regard to the long-term solution of the problem until Pakistan had made its position clear on the Chinese question. The same day, the British High Commissioner in Pakistan met President Ayub Khan in Rawalpindi.

The following are the relevant excerpts from the record of this meeting:

"The High Commissioner referred to the Chinese ultimatum to India and its implications with regard to the present conflict, as mentioned in the British Prime Minister's message to the President. He asked whether Pakistan was in any way involved in the Chinese ultimatum to India. The The President replied in the negative. He said Pakistan did not even know what the Chinese-Indian differences over Sikkim were. He said he only hoped to God that nothing would happen. The President said that Pakistan had no control over Chinese actions. There was no collaboration between the two countries in relation to the present conflict. If there had been any, the Chinese would come to Pakistan's assistance much earlier.

"The High Commissioner said that it would be very helpful, indeed it would have a dramatic effect, if the President could tell the Chinese publicly not to interfere in the present India-Pakistan conflict. The President said that he could perhaps talk to the Chinese about it privately, but he could certainly not give a threat to China in this regard.

"The High Commissioner said that a public statment, as

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mentioned by him, could have a dramatic effect in the United Kingdom because Pakistan's position in relation to China's ultimatum to India was not clear. The President said that he had made it clear both publicly and privately that there was no collaboration between Pakistan and China against India. He said he would say so again publicly if an occasion arose.

"The High Commissioner again referred to the Chinese attitude in the present conflict. He said if the Chinese plunged into the conflict, 'the game would then be played by others, including the nuclear powers'. However, he added, there was still time to steer back to a peaceful course, but if the Chinese made a move against India, it would be too late. "The nuclear powers would take over".

"The High Commissioner went on to say Pakistan had shown to the world in a 'remarkable way' that it was prepared to sacrifice not only its political position and meterial gains but even its 'national existence' for the sake of Kashmir. He said Pakistan had made the point and never again would the world regard Kashmir as a dead issue. . . However, the advantage would be lost by a drastic move, which might well enlarge the conflict in such a way that there would be no Kashmir to fight for nor Pakistan, nor for that matter the United kingdom or any other country.

"The President said that Pakistan had always wanted to live in peace with India. It was India which never allowed Pakistan to rest in peace. He said Pakistan was prepared to accept a meaningful cease-fire, such as would contain the seeds for a settlement of the Kashmir problem. All that Pakistan wanted was "some sort of a settlement, sometime". He recognized that the settlement could not take place soon".

The British High Commissioner again called on President Ayub Khan on 21 September. The record of the meeting says:

"The High Commissioner referred to this meeting with the President on 19 September, and said that the reply to the

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President's message had been received from Prime Minister Wilson. He said that the Prime Minister had expressed the view that if India accepted the cease-fire and Pakistan did not, and at the same time China attacked India, Pakistan would find itself in an impossible moral position". The West would feel convinced that there was secret collaboration between Pakistan and China.

"The High Commissioner said, we feel that dangerous possibilities can be averted by an agreement to cease-fire. Pakistan has everything to gain. Kashmir is now before the world. We and others are now determined to settle it (Kashmir dispute). The President asked, 'is that a firm promise'. The High Commissioner replied, 'yes, Sir'. He added that once a cease-fire was established, the United Kingdom would do all to promote a Kashmir settlement. 'This is the pledged word of the British Government which I am asked to convey with all the emphasis at my command. . . 'Referring to the Chinese question, the President said that Pakistan had always exercised restraint on China at the diplomatic level. He said Pakistan had already totld the Chinese to keep out of the present conflict. As regards the suggestion that Pakistan should make a public statement of this nature, the President said that Pakistan was not prepared to do so for the sake of the Hindus, nor was Pakistan in a position to extend such a threat to a great power like China. The High Commissioner asked if the Pakistan Government had already told the Chinese to keep out of the present conflict and, if so, could he confirm this to his Prime Minister. The President replied in the affirmative. . . . The President said that he wished to God that the Americans would realize how their policies were forcing countries into the hands of China. . . . The President thanked the High Commssioner and told him that he would give serious consideration to his Prime Minister's suggestions".

The direct sequel to this concerted diplomatic offensive by the great powers which had secured from President Ayub Khan an agreement to forestall any possible Chinese intervention—even though it might have been a benefit to the cause of the people of Kashmir and strengthened Pakistan's position—was

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the cease-fire of 23 September. Pakistan accepted the cease-fire after the President had himself departed from the position that the cease-fire must be accompanied by a provision for a self-executing arrangement for a permanent settlement of the Jammu and Kashmir dispute. All it obtained was a "promise" that Kashmir would not be regarded as "a dead issue".

This statement, however, requires a qualification—the Chinese ultimatum to India of 16 September was extended by three days. That it was not without effect is shown by the Security Council Resolution of 20 September. This resolution reflected an awareness of the potentialities of the enlargement of the conflict and some recognition of the need for a permanent settlement. The fixing of the date for the cease-fire (23 September) as well as the date of the passage of the resolution were correlated with possible Chinese moves. In contrast to the resolution of 6 September, which called only for a cease-fire and withdrawals, and thus was entirely in accord with India's objective of perpetuating the status quo, the resolution of 20 September said in a preambular paragraph "that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters" and, in an operative paragraph, "decided to consider" as soon as the cease-fire and withdrawals had taken place, "what steps could be taken to assist towards a settlement of the political problem underlying the present confict". That this element was organic to the resolution of 20 September was borne out when the subsequent resolution of 5 November 1966 reaffirmed it "in all its parts".

The diplomatic situation which emerged at the end of the September 1965 War—insofar as it related to the Kashmir dispute—bears analysis. It contained both a positive and a negative element. The negative element was that, by not only denying "collusion" or "collaboration" with China, as if such "collaboration" were barred by international law or morality, but also by undertaking to preclude any action by China which might have exerted a salutary pressure on India,

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Pakistan surrendered the advantage which it could have utilized for setting in motion a process leading to an equitable settlement of the Kashmir dispute. The positive element was that China's declared policy as well as Pakistan's successful military resistance (despite lack of planning management at the higher command level) had not been unavailing. If not in a position of strength, Pakistan was not in a position of weakness either. It was in a position from which it could have made efforts towards the fulfilment of the decision contained in the Security Council resolution of 20 September to consider steps towards a settlement of the Kashmir dispute.

President Ayub Khan's diplɔma inhibited even such efforts. Soon after the hostilities, another rebellion broke cut in Indian-Occupied Kashmir and India resorted to even severe repression than before. Violations of the cease-fire were frequent. But President Ayub Khan focused his attention entirely on eleminating any possibility of a resumption of fighting. A political stalemate ensued. As has been mentioned earlier, the United States Government, during the hostilities, had suggested a meeting between President Lyndon Johnson and President Ayub Khan. Public opinion in Pakistan was opposed to President Ayub Khan's meeting with President Johnson unless it promised an advance towards a solution of the Kashmir problem. However President Ayub Khan, in his consultations, kept making anxious inquiries whether it would be possible to mend the fences between Pakistan and the United States. He showed readiness to make concessions and to change the policies that irritated the Johnson Administration. Accordingly, he decided to visit the United States, and to confer with Prime Minister Harold Wilson in London en route. Prime Minister Wilson was also scheduled to visit Washington around the same time. Since President Ayub Khan's visit proved of great concequence for the Kashmir dispute, the climate which pervaded it needs to be recalled.

President Ayub Khan arrived in New York on 12 December and addressed the United Nations General Assembly the next day. The American press regarded the speech as conciliatory and in complete contrast to his Foreign Ministers (Mr

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Bhutto's) statements. The same day when reading a factual newspaper report (in the *New York Times*) about his conversations with Prime Minister Wilson which referred to the different appreciations of Pakistan and the United Kingdom on China's position in Asia and the Malaysia-Indonesia conflict, he instructed his Foreign Minister to issue a contradiction. The next day he went to Washington and was received by President Johnson. All the important conversations were conducted exclusively between the two leaders. The first meeting between them took place on 14 December in the morning and lasted nearly two hours. After it, when the two leaders joined their delegations, President Johnson paid rich compliments to President Ayub Khan and remarked that Pakistan-US relations stood on a firm basis despite temporary strains. On his part, President Ayub Khan said that he had explained to President Johnson the peculiar geographical position of Pakistan, surrounded by three mighty powers. In the evening, Mr Geoige Ball, Acting Secretary of State, met the President in company with the respective delegations. At this meeting, he spoke solemnly of the growing American involvement in Victram and said, "this question plays a significant role in affiecting our attitude towards China, and shapes our equations with others". He then said that it was important for the United States to know if Pakistan had entered into any special secret agreement with China. President Ayub Khan shock his head and said emphatically "No". Upon Mr Ball's saying that it was important for the US and Pakistan to have a clear understanding on the matter, President Ayub Khan replied, "you have that understanding," neither the Chinese not the Indians, he said, could bear to bring any military pressure on each other.

Later in the conversation, Mr Ball referred to the proposed Tashkent meeting and indicated the full support of the United States for the Soviet intiative, President Ayub Khan said that Pakistan had accepted the offer but that in his opinion, the United States alone could play a decisive role in bringing about a settlement. Mr Ball said that the United States would not wish to compete with the Soviet Union or come in the way of the Tashkent talks. He added that the United States

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did not want the "Noble peace prize", but that the would consider "picking up the pieces' the Tashkent talks failed. Before the next meeting, Mr Goldberg, the US permanent Representative at the UN, remarkedy during a conversation in the White House that he had indications both from India and Pakistan (but more clearly from Pakistan) that they were anxious for a compromise and that the President of Pakistan had shown greater inclination for a solution other than plebiscite. This disclosure, he added was very important.

The Foreign Minister, Mr Bhutto, told Mr Goldberg later that he should not be under the impression that Pakistan had abandoned the plebiscite principle. Later the same evening, President Ayub Khan dwelt on the desirability of a Kashmir settlement and indicated his willingness to consider a regional plebiscite or even arbitration. President Johnson said that there was a very strong feeling regarding China in the United States—a fact that Pakistan must keep in view.

He then stated that, though the United States wanted a Kashmir settlement, its influence on India was limited and implied that it would not use aid as a lever, Pakistan, he added, had an impression that the United States could exercise a great deal of influence on India regarding Kashmir. "Get it out of your system", he said and repeated later, "get it out of your heads". The visit concluded with an exchange of warm compliments between the two Presidents, US officials close to President Johnson evaluated President Ayub Khan's visit in enthusiastic terms. Shortly after, President Johnson conveyed a massage to President Ayub Khan containing the offer of resumption of economic aid on five important projects and the offer to send American medical personnel to the rural areas of Pakistan.

The meeting between President Johnson and President Ayub Khan caused satisfaction to India. A new Delhi despatch detelined 16 December and published in the *New York Times* reported:

"Indian officials expressed cautions satisfaction today with the outcome of the Johnson-Ayub talks. "It seems that

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Ayub has not been able to take Johnson for a ride to use one of your American phrases", said one high ranking Indian official."

In the course of the visit, President Ayub Khan informed his delegation that President Johnson had assured him that the United States was not operating against his person or his regime. This coupled with President Johnson's ready acceptance of the explanation of Pakistan's policy towards China, which was identical with the one given on numerous occasions before and rejected by the United States, would lead to the inference that President Ayub Khan pleaded that he be given time and opportunity to change his policy towards China and to reach an accommodation with India over Kashmir along lines more acceptable to India.

At the time that tension had grown in Jammu and Kashmir, Prime Minister Kosygin of the USSR addressed messages to the President of Pakistan and the Prime Minister of India on 20 August 1965. Compared to Soviet official pronouncements in earlier years, the message to the President of Pakistan did not bear a partisan tone in relation to the Kashmir dispute. "We would not like to comment on the statements", it said, made by Pakistani and Indian sides on the situation arising in Kashmir. It advocated a peaceful solution of outstanding problems between the two countries, reconciliation and good-neighbour relations. On 4 September, Mr. Kosygin sent nearly identical letters to the two heads of Governments expressing the concern of the Soviet Government over military conflict in the Kashmir area "directly adjacent to the border of the Soviet Union". After suggestion reciprocal withdrawal of troops to positions behind the cease-fire line the letters said:

"Acting in the spirit of the United Nations Charter and the Bandung Principles, the parties should enter into negotiations for the peaceful settlement of the differences that have arisen between them. As for the Soviet Union, both sides could count on its willing co-operation or, to use the accepted expression, on its good offices in this matter. We are ready for this if both sides consider it useful."

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This message was followed by another on 19 September which contained the proposal:

> "To hold on our territory a meeting in which you, Mr President and the Prime Minister of India would take part to establish a direct contact in order to achieve agreement on the re-establishment of peace between Pakistan and India. If desired by both sides, the Chairman of the Council of Ministers of the USSR could also take part in this meeting. Such a meeting could be held in Taskent, for instance or, any other city in the Soviet Union. One thing is important—to meet and start negotiations. It is important that the guns become silent and the blood of the fraternal peoples cease to flow."

In his reply on 20 September, President Ayub Khan repeated his earlier welcome of the Soviet initiative but suggested that for the meeting proposed by Premier Kosygin "the ground would have to be prepared in advance". He suggested that this ground could be prepared with the help of the Soviet good offices in the Security Council: President Ayub Khan expressed regret that the Soviet delegation in the Security Council was "working actively for diluting the original draft resolution in favour of India". On 12 November, the Soviet Embassy in Karachi issued a statement which said:

> "Attempts are made at times to claim that the Soviet Union is allegedly not objective and is inclined to support one side at the expense of the other. Such opinions are far from reality".

On 25 November, the Foreign Minister of Pakistan, Mr Bhutto met Premier Kosygin and Foreign Minister Gromyko of the USSR in Moscow. At these meetings, the Soviet leaders told him that Prime Minister Shastri had accepted Soviet good offices and was ready to meet President Ayub Khan at Tashkent. They did not wish to specify what matters should be on the agenda, as these could be settled at the summit meeting itself. The aim was "a major political detente" which could lead to a "chain of events". In a public statement after the meetings, Mr Bhutto indicated Pakistan's acceptance of the Soviet proposal and said:

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"If we are to move into a new environment, what happened would depend on Soviet diplomacy. We hope the Soviet Union, as a great power, will be impartial".

On 8 December, the following announcement was made simultaneously from Moscow, Karachi and Delhi:

"President of Pakistan Mohammad Ayub Khan and Prime Minister of India Lal Bahadur Shastri have agreed to the suggestion of the Soviet Government to meet in Tashkent on the 4th of January 1966. In accordance with the wishes of both the sides, the Chairman of the Council of Ministers of USSR, Mr A.N. Kosygin, will take part in the meeting when it is necessary".

The wording of this announcement avoided any reference to the object of the meeting. On 6 December, the President of Pakistan had suggested that the announcement should state that "the object of the meeting is to discuss ways and means of resolving, India-Pakistan differences, with a view to establishing good relations between the two countries." This as well as different formulations suggested by others were all excluded. In retrospect, this seems to have set the tone of the projected Tashkent conference. It was to be a conference where specific issues, apart from the naturally pressing ones of the physical consequences of the September hostilities, might be the subject of prolonged discussion, but not of agreement.

The Tashkent conference lasted from 3 to 10 January 1966. Though at the beginning the Pakistan delegation placed its emphasis on the necessity of a Kashmir settlement and on establishing a procedure for it, India advanced all its familiar arguments for putting the cart before the horse. Let us first establish trust, then settlement will follow, they asserted, ignoring that, without a settlement or at least a credible intention of evolving it, trust would easily evaporate. At a meeting at the Foreign Ministers' level between Pakistan and the Soviet Union, Mr. Bhutto suggested a way out of this impasse. He said that Pakistan was prepared to discuss a formal agreement on the non-use of force provided a self-executing mechanism was agreed upon for the solution of the Jammu and Kashmir issue in the same way as was done in the case of the Rann of

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Kutch. If this was not acceptable, Pakistan would be willing for an informal agreement on non-aggression provided India agreed informally to work towards an honourable and equitable settlement. Mr. Gromyko, however, felt that India would not equate the two situations. He also remarked that it Jammu and Kashmir issue was linked to a no-war pact there was bound to be a deadlock.

At the first meeting the next day exclusively between President Ayub Khan and Prime Minister Shastri, the latter opened the conversation by stating in Urdu, "I am afraid it will displease you to hear this but we cannot give up Kashmir." President Ayub Khan in response, pointed out the misery and suffering caused to the peoples of both countries by the lack of a just and honourable settlement of the Kashmir dispute.

The gulf between the two sides was further revealed at a meeting of the two Foreign Ministers to discuss the agenda of the conference. Mr. Bhutto was constrained to say that Pakistan had not come to Tashkent in order to sign a surrender. This was followed by Mr. Gromyko asserting to the Pakistan Foreign Minister that the alternative to a no-war pact which plea should logically come from the weaker country to the stronger one, was nothing—no treaty, no agreement, no diplomatic relations, no progress. To this Mr. Bhutto responded by emphasising that Pakistan had no unilateral interest in withdrawal of troops and that the Pakistan delegation could not be expected to agree to a no-war declaration, to withdraw its troops and then to back and tell the people that Kashmir had been buried for good.

However, when President Ayub Khan met Prime Minister Kosygin on the 6th, the latter again stressed that without a declaration to refrain from the use of force, all problems would hang in suspense. The time had come for adjusting the frontiers of the two countries to their mutual satisfaction. He added that a renewal of war between the two countries would involve third parties who would come into the conflict for their own ends. Mr. Kosygin further said that the two countries simply could not go away from Tashkent with nothing achieved. When the discussion turned to India evacuating the three

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passes it held across the cease-fire line, the Foreign Minister interjected and said that the more serious problem than that of the passes was the unparalleled repression indian-occupied Kashmir. At another stage in the discussion, President Ayub Khan said that as a soldier, he appreciated India's need to keep open communications to the troops facing the Chinese in Ladakh and that ways and means could be found of allowing them these communications through the valley or alternative by-passes could be developed. However, Prime Minister Kosygin developed the suggestion that the Kashmir situation would be improved by giving the people of Kashmir on both sides of the cease-fire line "some sort of self-Government" and the feeling that they were not some sort of "temporary resident." Pakistan, he added, should compete with India to see which of them developed more quickly and more efficiently the part of Kashmir under its control. Finally, Premier Kosygin stressed that the two sides could not leave Tashkent without a settlement and observed:

> "No one else can solve these problems for you. You have to find a solution yourself."

When, at the next meeting, it appeared that there was no agreement on the merits of the Kashmir dispute, President Ayub Khan suggested that rather than discuss the Kashmir question further, he would leave it in suspense for the present because he could not "sell" the proposal mooted during the conversations—"this is definite." In other words, President Ayub Khan would be prepared to discuss troop withdrawals and diplomatic relations and leave Kashmir aside during the talks. To this, Mr. Kosygin agreed. When Prime Minister Kosygin pointed out the futility of discussing machineries for settlement the Foreign Minister. Mr. Bhutto, cited a number of treaties including the League of Nations Covenant and the United Nations Charter to prove that a machinery for settlement of disputes was a concomitant of historic agreements to banish war. Prime Minister Kosygin observed in reply that President Ayub Khan had agreed to leave the Kashmir question in suspense, and if the question was suspended there would be no need for machinery, President Ayub Khan clarified that his agreement to leave the dispute in suspense was only for the

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purpose of the current negotiations in Tashkent the problem would remain and Pakistan would continue to seek a solution in other forums. The Foreign Minister added that there could be no renunciation by Pakistan of its claims or abandonment of the people of Kashmir. Mr. Kosygin said that was precisely how he himself understood the position, he did not expect Pakistan to renounce its claim.

At this stage, India proposed a complete treaty of friendship between the two countries which made no reference to the Jammu and Kashmir question and merely contained the following provision relating to such issues:

> "Both Government agree that the differences and disputes between them shall be resolved by peaceful means. To this end, they agree to nominate representatives who will endeavour to reach agreements and report to their respective heads of Government."

Under president Ayub Khan's leadership, the thinking prevailed at official level that the Tashkent Declaration would be followed up by direct talks between Pakistan and India in which Pakistan could use the leverage which resulted from the great powers apprehension of a resumption of conflict over Kashmir, India's own fear of the war, her urgent need to restore her communications with Assam and Tripura through East Pakistan and her anxiety to regain the very substantial Indian property seized by Pakistan during the war. The anticipations were not borne out by subsequent developments. The two Foreign Ministers met in Rawalpindi on 1 and 2 March 1966. At the conclusion of their meetings, they made the following declaration:

> "The two sides proposed for discussion and settlement subjects to which they attached high priority in the interest of peaceful and good neighbourly relations between India and Pakistan. The Pakistan side pointed out the special importance of reaching a settlement of the Jammu and Kashmir dispute. Both sides agreed that all disputes between India and Pakistan should be we resolved to promote and strengthen peace between the two countries."

However, immediately on his return to New Delhi, India's

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Minister for External Affairs who had led the Indian delegation reiterated the Indian position that Indian sovereignty over Jammu and Kashmir was not nogotiable. During her visit to USA the Indian Prime Minister, Mrs. Gandhi, also made statements to the same effect.

Towards the end of the Tashkent conference, President Ayub Khan had appealed to the Soviet leaders to work for a settlement of the Kashmir dispute when, after the reciprocal withdrawals of troops by India and Pakistan, the question would be referred again to the Security Council. To the public opinion of Pakistan, he had attempted to justify the Tashkent Declaration in the context of the Security Council Resolution of 20 September which had decided 'to consider' as soon as the withdrawals had taken place 'what steps could be taken to assist towards a settlement of the political problem underlying the present conflict' and had, 'in the meantime' called on the two governments to utilize all peaceful means, including those listed in Article 33 of the Charter to this end. By signing the Tashkent Declaration, the argument ran, Pakistan, had surrender no initiative but simply fulfilled the conditions precedent for the Security Council's reconsideration of steps towards a settlement of the political problem. The argument was, of course, made incredible by the very tenor of the declaration and its focus on the promotion of friendly relations regardless of a settlement of the Jammu and Kashmir question. The plain political fact also was that the Tashkent Declaration had defused the Kashmir issue exactly as India had wanted it to be defused. Nevertheless, by action and not by unpersuasive interpretation, the argument could have been sustained if Pakistan had gone back to the Security Council without further loss of time and urged the Council to implement its own decision to consider a Kashmir settlement. The US Representative at the United Nations had said that the resolution was the Bible of the Security Council. Once withdrawals had taken place at the end of February and ministerial meetings between India and Pakistan had produced a deadlock, the Pakistan Government had solid ground to invoke the Security Council's commitment. But President Ayub Khan's Government decided not to do so.

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This was a clear demonsitation that the argument it was advancing as justification of the Teshkent Declaration was artificial and did not reflect its real intent in signing the declaration.

On 14 April 1966, the Foreign Minister, Mr. Bhutto, made a final determined attempt to move the Government to the course of action which was logical if the Tashkent Declaration were not in effect to become an instrument for the erosion of the Security Council's commitment and of the relegation of the Kashmir issue indefinitely to the background. The record of the meeting states:

> "The Foreign Minister said that we should go to the Security Council and that if we did not do so, we would be committing laches. It would also mean that the threat to peace had been removed and that alternative channels were open for a solution of the Kashmir dispute. If the parties concerned did not show any interest it would mean an admission that the Security Council was no longer seized with the problem."

On 21 May, a proposal among these lines was submited to the cabinet. Though the proposal was approved on 8 June 1966, replacement of Mr. Bhutto by a new Foreign Minister soon afterwards caused a change in calculations. The issue was not referred to the Security Council. To President Ayub Khan and his advisers considerations of elections in India in 1967 and in the United States in 1968 appeared to be weighty reasons for letting the Security Council's Resolution of 20 September, 1965 fall into oblivion. The Tashkent Declaration was thus allowed to take the life out of the Kashmir issue, at least untill another constellation of events and circumstances would serve to revitalise it.

The developments between June 1966 and 1971 are of no major significance in the history of the Kashmir dispute except that they reveal that the regimes then in authority in Pakistan disinterested themselves in the issue. A significant example out

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of many is the message conveyed to Chairman Kosygin by President Yahya Khan on the fourth anniversary of the Tashkent Declaration. The message made no mention of the Kashmir Question. Nor did the message which he sent to the Prime Minister of India on that occasion.

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6

Mangla Dam Project

1. Letter dated 21 August 1957 from the representative of India Arthur S. Lall to the President of the Security Council

1. Under instructions from my Government, I have the honour to bring to Your Excellency's notice and through you to the notice of the members of the Security Council the following report regarding the commencement of execution of the Mangla Dam Project by the Government of Pakistan which appeared in the Karachi newspaper *Dawn* on 26 June, 1957.

"Rawalpindi, June 25: The *Azad* Kashmir Government have issued necessary notification to acquire land in Mirpur District for the Mangla Dam Project.

"The Project, which will involve and expenditure of 1,000 million rupees, will cover an area of 100 square miles.

"About 122 villages in *Azad* Kashmir territory will be affected with a total area of about 42,000 acres.

"Out of this nearly 22,000 acres are at present under cultivation. The rest is barren and those who will be affected by the construction of the dam will be adequately compensated with cash payment or canal irrigated land—Radio Pakistan."

The details of the project are given in the attached note.

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2. The execution of this Dam project is a further instance of consolidation by the Government of Pakistan of its authority over the Indian territory of Jammu and Kashmir, which it continues to occupy by force, and of the exploitation of the resources of the territory to the disadvantage of the people of Jammu and Kashmir and for the benefit of the people of Pakistan.

3. My Government has asked me to invite your attention and through you the attention of the members of the Council to this further instance of violation by the Government of Pakistan of the Security Council resolution of 17 January 1948 which calls upon both the Government of India and the Government of Pakistan "to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation".

4. The members of the Security Council are aware of the categorical assurances given to the Prime Minister of India by the Chairman of the United Nations Commission for India and Pakistan that the Pakistan Government will not be allowed to consolidate its position in the territory it had unlawfully occupied, of part II, section A, paragraph 1 of the Commission's resolution of 13 August 1948 [*S/1100, para. 75*], under which Pakistan troops are required to vacate the territory unlawfully occupied by them and of the recognition of the Government of the State of Jammu and Kashmir as the only lawful Government of the State underlying the Commission's resolutions of 13 August 1948 and 5 January 1949 [*S/1196, papa. 15*]. The commencement of the execution of the Mangal Dam Project by the Government of Pakistan violates not only the provisions of the Security Council Resolution of 17 January 1948 but also the assurances given to the Prime Minister of India by the Chairman of the Commission for India and Pakistan and the provisions of the two resolutions adopted by the Commission.

5. I request that this communication may kindly be circula-

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ted as a Security Council document and be brought to the notice of the members of the Council.

(*Signed*) Arthur S. LALL
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India
to the United Nations

THE MANGLA DAM PROJECT

1. The Upper Jhelum Canal takes off from the river Jhelum at Mangla and irrigates areas in the West Punjab. The Mangla Headworks and the first nineteen miles of the Upper Jhelum Canal lie in the territory of Jammu and Kashmir. The land required for the Upper Jhelum Canal and the Headworks was given by the Government of Jammu and Kashmir to the Punjab Government in 1904, free of cost, but on condition "that it shall always remain the property of the Darbar".

2. The details of the Mangla Dam Project given by Chaudhury Abdul Hamid, Superintending Engineer, Mangla Dam Circle, in September last were published in the *Pakistan Times*, Lahore, on September 17, 1956, and according to these "the dam will be located across the Jhelum river, about two miles upstream of the Upper Jhelum Canal regulator". The location of the Dam is thus in the Indian territory of Jammu and Kashmir.

3. The report gave the following further particulars of the project:

> "The main structure will be an earth embankment almost two miles long at the crest, the elevation of which is 1,200 feet above the sea level. Its height at the deepest section from rock to crest will be about 360 feet. The reservoir so created will have an effective capacity of 3.5 million acre feet.
>
> "The Dam will be flanked by a power plant on the left and a spillway structure on the right. The power house will have and installed capacity of 300,000 k.w. (four sets of 75,000 k. w. each), the power head varying between 180 to

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315 feet. The tail race will outfall into the Upper Jhelum Canal.

(*Signed*) Dag HAMMARSKJOLD
Secretary-General
of the United Nations

(UN Document no. 3869)

2. Letter dated 20 January 1958 from the representative of India Arthur S. Lall to the President of the Security Council

1. I have the honour to invite your Excellency's attention to my letter dated 21 August 1957 [S/3869] and to a further violation by the Government of Pakistan of the sovereignty of the Union of India and of its territory in Jammu and Kashmir and a violation of the resolution of the Security Council of 17 January 1948. This violation was reported in the *Dawn* newspaper of Karachi on 24 December 1957, as reproduced below:

"MANGLA DAM CONSTRUCTION

"Contract with United Kingdom firm signed

"The Government of Pakistan yesterday signed an agreement with M/S Binnie, Deacon and Gourley of London, for engineering the multi-purpose Mangla Dam Project. This firm of consulting engineers will be assisted by M/S Harza Engineering Co., of the United States of America, on civil works and by M/S Preece, Cardew and Rider of the United Kingdom on the electrical side.

"The consulting engineers will render the services: (*a*) Development of preliminary reports; (*b*) preparation of drawings and other documents relating to works, plant and equipment for calling tenders on a worldwide basis; (*c*) general supervision of works during the construction stage; and (*d*) training of Pakistani staff in maintaining and operating the plant and for testing the structure and the pemanent equipment.

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"The Government laid great emphasis in the contract on the training of Pakistan technical staff in all phases of the project.

"The multi-purpose Mangla Dam Project envisages impounding of 3.5 million acre feet of water which would be used for reclamation of salt-affected areas and producing 300,000 kilowatts of electric power. The dam will also control floods in the river Jhelum.

"It is hoped that it will now be possible to complete the project within ten years. This project is one of the biggest of its kind in the East."

2. I would particularly invite attention to the emphasis laid in the contract on the training of Pakistani technical staff in all phases of the project, and the reference to "reclamation of salt-affected areas", which exist not in Jammu and Kashmir but in West Pakistan. Thus, for its own benefit, Pakistan has now taken further steps to exploit the people and resources of the territory of the Union of India which it continues to occupy by force in defiance of the Security Council resolution of 17 January 1948 and the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, all of which have been accepted by Pakistan.

3. As pointed out in my last letter and as disclosed at length by the representative of India in the recent debate in the Security Council on Kashmir, Pakistan is forging ahead with the construction of this project it the teeth of opposition from the people in the area who are nationals of India. The details of the protest meetings and of the joint appeal by five political parties in Pakistan-occupied Kashmir to the members of the Pakistan National Assembly protesting against the construction of the dam were given by the representative of India in the Security Council on 9 October 1957.

4. Pakistan has no rights in the Indian Union territory which it has forcibly occupied and which it is required to vacate under the resolution of the United Nations Commission for India and Pakistan. Pakistan continues to consolidate its position to the disadvantage of the State of Jammu and Kashmir, contrary

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to the categorical assurances which the United Nations Commission gave to the Prime Minister of India on behalf of the Security Council.

5. The engineering firms who are undertaking the execution of the project come from the United Kingdom and the United States of America, two permanent member countries of the Security Council.

6. I request that this communication may kindly be circulated as a Security Council document and be brought to the notice of the members of the Security Council.

(*Signed*) Arthur S. LALL
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations

(Source: UN Document no. S/3939)

3. Letter dated 24 January 1958 from the representative of Pakistan Agha Shahi to the President of the Security Council

1. With reference to the permanent representative of India's letter addressed to you on 20 January 1958 [S/3939], regarding the Mangla Dam construction, I have the honour to say that, in substance, this letter repeats the contention put forward earlier by him in his letter dated 21 August 1957, addressed to the President of the Security Council.

2. These contentions have been answered by my predecessor in his letter of 3 October 1957.

3. May I also invite your attention of the following statement of the Foreign Minister of Pakistan before the Security Council at its meeting on 15 November 1957, in which he drew attention to the measures taken by India to consolidate her illegal occupation of the State of Jammu and Kashmir, including the construction of the Banihal Pass tunnel:

> "... not for the alleged purpose of exporting fruit from Kashmir, but for the purpose of providing a major strategic highway for Indian tanks and troops to move into the

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Kashmir Valley throughout the year as the 17,000 feet high Banihal Pass is snowed up during the winter."

4. In regard to the allegation of the permanent representative of India that Pakistan is forging ahead with the construction of the project in the teeth of opposition from the people in the area, I have the honour to invite your attention to the following press statement issued by a number of political leaders of "Azad" Kashmir on 5 September 1957:

Dawn of 6 September 1957:

"Azad *Kashmir's full support to Mangla project*

"Six leaders condemn Bharati propaganda.

"Mirpur (Azad Kashmir), 5 September: Six prominent political leaders and lawyers of the Mirpur district have said that the people of *Azad* Kashmir who had given their blood for Pakistan, would in no circumstances grudge water to their brethren.

"The statement said: 'Bharat is using river waters as another weapon against Pakistan and hopes that through this nefarious design she would convert the fertile land of Pakistan into a veritable desert.

"The people of *Azad* Kashmir cannot remain silent spectators of Bharati aggression against Pakistan. We have linked our destiny with Pakistan and we are prepared to undergo all sacrifices in this caus. We cannot allow Bharat to strangle Pakistan's economy.

" 'It is for these reasons that the people of *Azad* Kashmir are giving their fullest co-operation and support to the Mangla Dam project. How can those who have given their blood for Pakistan, grudge water to their brethren ?

" 'Besides, we fully realize that the people of *Azad* Kashmir will also benefit from the Mangla Dam. Completion of this project will lead to economic, agricultural and industrial progress of the area. The people of *Azad* Kashmir will find new avenues of employment through this project and it will help raise their standards of living.

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" '*Fantastic stories*

" 'The enthusiastic support of the people of *Azad* Kashmir for this project had understandably unnerved Bharat, Bharati propagandists are feverishly engaged in circulating fabricated and fantastic stories clashes between the people and the local authorities with the intention of misleading public opinion. " 'We wish to state in unequivocal terms that neither have there been any demonstrations in the area nor any clash between the people and local authorities. It is also equally false that villages are being razed to the ground and people made homeless.

" 'All that the people of the area desired was that the displaced should be adequately compensated and this the Government of Pakistan has already undertaken to do.'

"Signatories to this statement are: Ghazi Ellahi Bakhsh, ex-President, District Muslim Conference, Mirpur; Chaudhri Mohammad Iusuf, ex-Member, State Legislative Assembly; Salar Mohammad Din, President, City Muslim Conference and Vice-President, Municipal Committee, Mirpur; Mr. Ihsanul Haque, Advocate, Mirpur; Mr. Mohammad Shafi, ex-Municipal Commissioner, Mirpur; and Dr. Mohammad Yakub, Organizer, City Muslim Conference, Mirpur."

—APP.

5. The only voice against the project, which is being carried out in co-operation with the *Azad* Kashmir authorities, has been that of a few disgruntled individuals because of their personal differences with Sardar Mohammed Ibrahim, President of *Azad* Kashmir, and not because the proposed dam will adversely affect the people of the area.

6. To claim, as the permanent representative of India does in his letter of 20 January 1958, that the State of Jammu and Kashmir is Indian territory, is to beg the question. Until the people of the State have been enabled to express their wishes through the democratic method of a free and impartial plebiscite held under the auspices of the United Nations, the only sanction behind India's presence in Jammu and Kashmir is military force.

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7. I request that this communication may kindly be circulated as a Security Council document and brought to the notice of the members of the Security Council.

(*Signed* AGHA SHAHI
Minister,
Acting Premanent Representative of Pakistan
to the United Nations

(Source. UN Doument no. S/3943)

4. Letter Dated 7 August 1959 from the Permanent Representative of India C.S. Jha Addressed to the President of the Security Council

I have been instructed by the Government of India to invite Your Excellency's intention to a further violation by the Government of Pakistan of the sovereignty of the Union of India and of its territory in Jammu and Kashmir, and of the provisions of the resolution of the Security Council of 17 January 1948. The violation was broadcast in its various transmissions by Radio Pakistan which is an official agency, on 17 July 1959 in the following words:

> "The pace of construction of the Mangla Dam is to be stepped up this year with the capital grant of two crores and twenty lakhs of rupees. The work to be executed includes the construction of a railway line and road links with hinterland. The total cost of the project was originally estimated at 25 crores of rupees but subsequently revised and raised to 140 crores of rupees. The dam will be 365 feet high and nine thousand feet long. Its reservoir will have a capacity of over four million acre feet. Started in August 1955 the project is expected to be ready in 1966. On completion it will provide irrigation facilities to about thirty lakhs acres of land and generate three hundred thousand kilowatts of hydroelectric power."

2. Your Excellency will recall that India first protested to the Security Council against the Government of Pakistan's unlawful decision to go ahead with the project as far back as 21 August 1957 (S/3869), and once again in January 1958

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(S/3939) when the Government of Pakistan signed and agreement with certain foreign engineering firms in connection with this project.

3. On its own admission, as recorded by the U.N. Commission in its report and its resolution of 13 August 1948, the Government of Pakistan committed aggression on the Indian Union territory of Jammu and Kashmir. Under the resolution of 15 August, 1948, the Government of Pakistan was asked to vacate this aggression and that Government agreed to do so. The aggression has, however, not been vacated so far and, what is worse, the Government of Pakistan is, by going ahead with the construction of Mangla Dam in this part of Indian territory which they have occupied by force of arms, changing the topography of the area and exploiting the resources and the people of the area, who are Indian nationals, for the benefit of its own territory and nationals. Pakistan's unlawful occupation of Indian territory is further aggravated by this latest act of exploitation which is not only in violation of the resolutions I have already mentioned above but also contrary to the categorical assurances which the U.N. Commission gave to the Prime Minister of India on behalf of the Security Council.

4. The Government of India would like to make it clear that they cannot accept a position which implies that all these violations committed by Pakistan and their consequences are to stand condoned in total disregard of international law and the practice of civilized nations.

5. I request that this communication may kindly be circulated as a Security Council document and be brought to the notice of the members of the Security Council.

Accept, etc.

(*Signed*) C.S. JHA
Ambassador Extraordiary and Plenipotentiary
Permanent Representative of India to the United Nations

(Source: UN Document no. S/4202).

5. Letter Dated 11 September, 1959 from the Acting Permanent Representative of Pakistan A. Shahi Addressed to the President of the Security Council

1. Under instructions from my Government, I have the

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honour to refer to the letter dated 7 August 1959, issued as Security Council document S/4202, from the Permanent Representative of India regarding the Mangla Dam Project in Kashmir.

2. It will be recalled that this question was raised by the Permanent Representative of India on 21 August 1957 and became the subject of subsequent correspondence on both sides. The correct position, set forth in our letters dated 3 October 1957 (document S/3896) and 23 January 1958 (document S/3943), is that the Mangla Dam Project is being executed as a joint venture of the Government of Azad Kashmir and the Government of Pakistan for the mutual benefit of the people of Azad Kashmir and Pakistan. The project is designed to provide and enlarge irrigation and hydro-electric facilities for a considerable area and vastly to improve the economic condition of the people living there. It is evident that the co-operation of two parties in a scheme of such mutually beneficial nature does not imply assertion of authority by one ovre the other.

3. In his letter under reply, the Permanent Representative of India has stated that "on its own admission, as recorded by the United Nations Commission in its report and its resolutions of 13 August 1948, the Government of Pakistan committed aggression on the Indian Union territory of Jammu and Kashmir." Neither my Government nor the United Nations as a whole is aware of any such admission. On the contrary, the Government of Pakistan showed at the very inception of of the dispute that the so-called accession of the State of Jammu and Kashmir was fraudulent and illegal and that this illegal accession cannot make the territory of the State of Jammu and Kashmir a part of the Indian Union. The United Nations resolutions, which both India and Pakistan have accepted, laid down clearly that the future status of the State shall be decided by a free and impartial plebiscite. The assumption that Jammu and Kashmir State is Indian territory is, therefore, wholly unwarranted.

4. I request that this commucation may kindly be circula-

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ted as a Security Council document and brought to the notice of the members of the Security Council.

5. Please accept, etc.

(*Signed*) A. SHAHI
Acting Permanent Representative
of Pakistan to the United Nations

(Source: UN Document no. S/4219).

6. Letter Dated 29 October 1959 from the Permanent Representative of India C.S. Jha to the President of the Security Council

I have the honour to refer to the letter, dated 11 September 1959 (S/4219), from the Acting Permanent Representative of Pakistan, addressed to the President of the Security Council and to state that the Government of India's position in the case of the construction of Mangla Dam in Jammu and Kashmir has been clearly stated in my previous communications to the President. I have, however, been instructed by my Government to correct the following inaccurate statements made in the letter of the Acting Permanent Representative of Pakistan of 11 September 1959:

2. The Acting Permanent Representative of Pakistan has, while referring to the statement in my letter, dated 7 August 1959 (S/4202), that "On its own admission, as recorded by the United Nations Commission in its reported and its resolution of August 13, 1943, the Government of Pakistan committed aggression on the Indian Union territory of Jammu and Kashmir", commented that "Neither my Government nor the United Nations as a whole is aware of any such admission." The contention of the Pakistan Acting Permanent Representative is not only unsupported by the facts as reported by the UNCIP but stands denied by them. The following extracts from UNCIP report may be relevantly quoted:

> "As set forth in the letter of 1 January 1948 (S/628), the Government of India placed its complaint against the Government of Pakistan under Article 35 of the Chapter, which allows any Member to bring to the attention of the

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Security Council any situation the continuance of which is likely to endanger the maintenance of international peace and security. India alleged that such a situation existed between it and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining that Dominion on the north-west, were drawing from Pakistan for operations against the State of Jammu and Kashmir, which had acceded to India on 27 October, 1947, and was part of India."

"The Government of Pakistan in its communication of 15 January 1948 (S/646 and Corr. 1) denied that it was giving aid and assistance to the invaders . . ." (paras. 111 and 112).

"In the course of this interview, the Foreign Minister (of Pakistan) informed the members of the Commission that the Pakistan Army had at the time three brigades of regular troops in Kashmir and that troops and been sent into the State during the first half of May (1948)" (para. 40).

"The statement of the Foreign Minister of Pakistan to the effect that Pakistani troops had entered the territory of the State of Jammu and Kashmir, and later his reply to a Commission questionaire that all forces fighting on the Azad side were 'under the over-all command and tactical direction of the Pakistan Army', confronted the Commission with an unforeseen and entirely new situation." (para. 127).

"According to the Security Council's resolution of 17 January, the Government of Pakistan was requested to inform the Security Council immediately of any material change in the situation. In a letter addressed to the Security Council, the Pakistan Government agreed to comply with this request. The Government of Pakistan had, however, not informed the Security Council about the presence of Pakistan troops in the State of Jammu and Kashmir." (para. 128).

— (The United Nations Commission's First Interim Report. Words within brackets are mine).

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"Then came the first bombshell. Sir Zafrullah Khan informed the Commission that three Pakistani brigades had been on Kashmir territory since May . . . The Commission . . . explained to the Pakistanis, the movement of these troops into foreign territory without the invitation of that territory's Government, was *a violation of* international law . . . "

— ("Danger in Kashmir" by Josef Korbel, a member of the UNCIP).

"As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State."

— (Para. A1 of Part II of the UNCIP resolution of 13 August 1948).

Thus aggression on the Indian Union territory of Jammu and Kashmir by Pakistan on the one hand and the obligation subsequently accepted by Pakistan to vacate the aggression, are on record.

3. Another statement made in the letter of the Acting Permanent Representative of Pakistan reads:

"The United Nations resolutions, which both India and Pakistan have accepted, laid down clearly that the future status of the State shall be decided by a free and impartial plebiscite. The assumption that Jammu and Kashmir State is Indian territory is, therefore, wholly unwarranted."

The Acting Permanent Representative of Pakistan is obviously referring in this connexion to the provisions of the United Nations Commission's resolution of 5 January, 1959. This resolution, according to its own terms, in "supplementary" to the UNCIP resolution of 13 August 1948. With regard to the "plebiscite" proposals contained in it, it was explained by Dr. Lozano, Chairman of the United Nations Commission, that they "did not supersede Part III of the resolution of 13 August but were an elaboration of it." The Chairman had stated

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further that if the Plebiscite Administrator found a plebiscite impossible for "technical or practical reasons", he or the Commission would then recommend to the Security Council a solution different from that of a plebiscite (Annex 8, S/1430). Thus there is no exclusive or final character about the plebiscite proposal.

Even apart from the fact that plebiscite proposals in the resolution of 5 January are only one of the methods envisaged in Part III of the resolutiod of 13 August, the order in which these matters are to be considered is, first the implementation of Part I, then of Part II and finally of Part III of the resolution of 13 August. The "consultations" envisaged in Part III obviously cannot take place unless Parts I and II have been implemented.

Not only has Pakistan not implemented Parts I and II but has repeatedly violated and continues to violate the terms and the spirit of the obligations assumed by her in the first two parts of the said resolution. Some of her violations, e.g., the augmentation of the so-called Azad Kashmir forces and the annexation of the northern areas after the cease-fire, and totally contrary to the United Nations resolutions and agreements arising thereof as well as to the information given to the Commission by Pakistan, have been placed on record by the United Nations Commission. Other have been detailed by India's representatives in the Security Council from time to time. Meanwhile, Pakistan troops and elements which were to be withdrawn from Kashmir under Part II still continue their forciable and illegal occupation of the territory of the Union of India in Jammu and Kashmir, though eleven years have elapsed since the provision for their withdrawal was made and accepted by Pakistan under Part II of the UNCIP resolution of 13 August, 1948. Pakistan has thus in this regard alone violated solemn and vital agreements and continues to do so.

4. I request that this communication may kindly be circulated as a Security Council document and brought to the notice of the members of the Security Council.

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Please accept, Excellency, the assurances of my highest consideration.

(*Signed*) C.S. JHA
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India to the
United Nations

(Source: UN Document S/4234).

7. Letter dated 29 March 1960 from the representative of Pakistan Aly Khan to the President of the Security Council

1. Under instructions from my Government, I have the honour to refer to the letter dated 29 October, 1959, from the Permanent Representative of India to the President of the Security Council [*S/4234*].

2. The Permanent Representative of India has said nothing further on the specific issue of the execution of the Mangla Dam Project in Azad Kashmir which is the subject matter of this correspondence. He has, however, raised issues which have already been resolved by the decisions of the Security Council. My Government would have preferred to ignore this letter. Since, however, portions have been lifted from the text of the proceedings of the Security Council and those of the United Nations Commission for India and Pakistan, and an attempt has been made so to juxtapose them as to lead to inferences, which are alien to the intention of the documents concerned, it is necessary to put the record right.

3. The quotations in paragraphs 2 and 3 of the letter of the Permanent Representative of India are incomplete. The following portion of paragraph 128 of the first interim report of the United Nations Commission for India and Pakistan [*S/1100*] has been quoted:

> "According to the Security Council's resolution of 17 January, the Government of Pakistan was requested to inform the Security Council immediately of any material change in the situation. In a letter addressed to the Security Council, the Pakistan Government agreed to

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comply with this request. The Government of Pakistan had, however, not informed the Security Council about the presence of Pakistani troops in the State of Jammu and Kashmir."

4. The portion immediately succeeding this passage which explains the position of the Government of Pakistan regarding the entry of the regular forces of Pakistan into Kashmir has been omitted. This portion reads:

"Sir Mohammad Zafrullah Khan explained that, since the Commission had been charged to deal with the problems related to the India-Pakistan question, his Government thought that the information should instead be given to the Commission, but he had been unable to do this previously because of the delay in its arrival on the sub-continent."

5. The position of Pakistan on this issue has also been clearly stated in paragraph 64 of the same report. This paragraph reads (italics ours):

"Pakistan had not informed the Security Council of the presence of its troops in Kashmir because, by the time they had been sent into the State, the question had been entrusted to the Commission, whose early departure for the sub-continent was expected. The matter had been put before the Commission *immediately* after its arrival in Karachi. In the view of the Foreign Minister, the presence of Pakistani troops in Kashmir did not raise the question of international obligations since Pakistan had never accepted any with regard to non-interference in Kashmir."

6. Similarly, in paragraph 3 of the letter, reference has been made to annex 8 to the third report of the United Nations Commission for India and Pakistan [*S/1430*] in support of the contention that "there is no exclusive or final character about the plebiscite proposal." Here again, passages have been separated from the remarks of the Chairman of the Commission. The full text of the relevant passage (which is point 1 of the *aide memoire* handed by the Chairman of the Commission and Dr. Lozano to the Government of India on 25 February 1949) reads as follows (italics ours):

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"The Government of Pakistan raised the point regarding lack of co-operation in the holding of the plebiscite in connexion with Mr. Lozano's statement to the Prime Minister of India on 20 December 1948, when the question of a solution other than by a plebiscite was brought up by the latter during the discussion of the Commission's proposals of 11 December [*S/1196, annex 3*]. The Prime Minister was concerned lest the acceptance of specific proposals relating to a plebiscite should close all doors to alternative solutions of the dispute. Mr. Lozano explained that the proposals did not supersede part III of the resolution of 13 August, but were an elaboration of it. They did, however, take priority over the consideration of alternative methods and every effort had to be made towards putting these proposals into effect. It was in this connexion that Mr. Lozano expressed the view that if the Plebiscite Administrator should find a plebiscite impossible for 'technical or practical reasons', he or the Commission would then recommend to the Security Council a solution different from that of a plebiscite and acceptable to the Governments of India and Pakistan [*S/1196, annex* 4]. It was not intended at that stage to define what might constitute a 'technical or practical reason' for not holding a plebiscite.

"It is true that a lack of co-operation from either side could create obstacles which, in fact, might make the organization and the holding of a plebiscite extremely difficult, if not impossible. However, the Commission feels that the principles embodied in the resolution of 5 January are not only binding on both Governments, but are based on and call for their fullest co-operation. Therefore, the Commission does not envisage a situation in which either side will withold its co-operation. *It would seem that lack of co-operation, should it occur, would be considered not a 'practical reason' but a breach of commitmenrs formally undertaken by the Goveanments of India and Pakistan. In this event, the Plebiscite Administrator would presumably then report to the Security Council, through the Commission, not that the holding of the plebiscite was impossible for 'practical or technical*

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reasods' but rather that the lack of co-operation of either of the parties had rendered it impracticable."

This text in no way lends support to the contention raised in paragraph 3 of the letter of the Permanent Representative of India on the question of plebiscite.

7. As regards the allegation made by the Government of India that Pakistan has failed to implement part I and II of the Commission's resolution of 13 August 1948, the Council will recall that Ambassador Gunner Jarring of Sweden, acting on behalf of the Security Council, proposed to the Government of India that this precise question should be investigated impartially through a method which would be more "a determination of facts" than an act of arbitration. India's rejection of this proposal and Pakistan's acceptance of it demonstrated beyond any doubt that the Government of India know that their allegation lacks any factual basis whatsoever.

8. I request that this communication may kindly be circulated as a Security Council document and brought to the notice of the members of the Security Council.

(*Signed*) ALY KHAN
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document no. S/4292).

8. Letter dated 27 May 1960 from the representative of India C.S. Jha to the President of the Security Council

1. I have been instructed by the Government of India to refer the letter dated 29 March 1960 [*S/4292*], addressed by the Permanent Representative of Pakistan to the President of the Security Council and to convey the regrets of the Government of India for the inconvenience caused to the Council by the volume and frequency of these communications arising out of the factually inaccurate and propagandist approach of the Government of Pakistan.

2. The Pakistan Permanent Representative complains that I

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have not stated anything more about the Mangla Dam Project. Your Excellency and the Members of the Council are aware of the Government of India's position on the Mangla Dam Project which was clearly stated in my letter of 7 August 1959 [*S/4202*], and in other previous communication on this subject. I do not propose to burden the Council with reiteration of the Government of India's position on this matter.

3. The Pakistan Permanent Representative has stated that in my letter of 29 October 1959 [*S/4234*], "portions have been lifted from the text of the proceedigs of the Security Council and those of the United Nations Commission for India and Pakistan, and an attempt has been made so to juxtapose them as to lead to inferences which are alien to the intention of the documents concerned". I dealt with the matter briefly and only referred to essential points as I did not want to burden the Members of the Council with long quotations. The only relevant points in a case of this sort are those bringing out the views of the United Nations Commission for India and Pakistan on the points in issue. In view of the Pakistan Permanent Representative's allegation, however, I reproduce below, with apologies to the Council, paragraph 128 from the Commission's first interim report, which the Pakistan Representative has quoted, and paragraph 129 of the same report which he has not quoted, to show conclusively that the allegation made by the Pakistan Permanent Representative is entirely baseless:

> "128. According to the Security Council's resolution of 17 January, the Government of Pakistan was requested to inform the Security Council immediately of any material change in the situation. In a letter addressed to the Security Council, the Pakistan Government agreed to comply with this request. The Government of Pakistan had however, not informed the Security Council about the presence of Pakistani troops in the State of Jammu and Kashmir. Sir Mohammed Zafrullah Khan explained that, since the Commission had been charged to deal with the problem related to the India-Pakistan question, his Government thought that the information should instead be given to the Commission, but he had been unable to do this pre-

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viously because of the delay in its arrival on the sub-continent.

"129. According to the statement of Sir Mohammed Zafrullah Khan, the Pakistani troops entered Kashmir early in May 1948. The records of the Security Council show that the Commission was provided for but not fully constituted at that time. The Commission had its first meeting in Geneva on 15 June, *but* was informed of the presence of the Pakistani troops in the State of Jammu and Kashmir *only* on 8 July". (The italics are mine.)

4. The Commission was clearly of the view that Pakistan did violate the Security Council resolution of 17 January 1948. I quote part of paragraph 4 of the appendix to a letter dated 27 August 1948, from the Chairman of the United Nations Commission for India and Pakistan to the Foreign Minister of Pakistan, which gives this position in clear unambiguous terms:

"The Security Council resolution of 21 April 1948, which sets forth the terms of reference of the Commission, was adopted with cognizance of the presence of Indian troops in the State of Jammu and Kashmir. The presence of Pakistani troops in Jammu and Kashmir, however, constitutes a material change in the situation inasmuch as the Security Council did not contemplate the presence of such troops in that State, nor was it apprised thereof by the Government of Pakistan. . ."

5. In paragraph 6 of his letter the Pakistan Permanent Representative has quoted a passage from the *aide-memoire* handed by the Chairman of the Commission to the Government of India on 25 February 1949, to show that this text in no way lends support to my statement that "there is no exclusive or final character about the plebiscite proposal". This is yet another attempt to confuse the issues involved. The Pakistan Permanent Representative must be aware that the Government of India accepted the terms of the Commission's resolution of 5 January, 1949, not on 25 February 1949, but on 23 December 1948, when India's formal acceptance was communicated to the Chairman of the Commission and that the relevant *aides-memoire* are, therefore, those dated 21 and 22 December, 1948,

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which recorded the Commission's views on alternative methods as follows:

> "...As regards the third point [alternative methods], he [Mr. Lozano] said that the Commission wished the *possibility* of a plebiscite to be explored first. Should the plebiscite administrator, however, find a plebiscite to be impracticable, the way would be open to consider other methods for ensuring a free expression by the people of Jammu and Kashmir of their wish regarding the future status of the State.
>
> "As regards alternative methods of ascertaining the wish of the people regarding the future status of Jammu and Kashmir, Mr. Lozano said that the statement in paragraph 3 of the *aide-memoire* dated 21 December 1948 was substantially similar to his own record which reads: 'Mr. Lozano said that it would be up to the plebiscite administrator to report to the Security Council [through the Commission] if he found the plebiscite procedure to be impossible for technical or practical reasons. The plebiscite administrator and/or the Commission could then recommend alternative solutions' ". (The words within brackets and the italics are mine).

6. The Pakistan Permanent Representative in paragraph 7 of his letter questions the factual basis of the Government of India's view that Pakistan has failed to implement parts I and II of the Commission's resolution of 13 August 1948. The factual basis for the Government of India's view are the findings recorded by no less an authority than the Commission on the violation by Pakistan of part I of the UNCIP resolution of 13 August 1948, by the organization and consolidation of the so-called *Azad* Kashmir Forces (paragraph 225 of the Commission's third interim report) and by the annexation of Northern areas (paragraphs 272 and 274 of the same report). Relevant extracts from these paragraphs are reproduced below:

> "...Although it might be a matter of discussion whether the

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increased since August 1948, there is no question that those numerical strength of the *Azad* Kashmir forces has actually forces, who have since then been working in close co-operation with the Pakistan regular Army and who have been trained and officered by that Army, have increased their fighting strength. It is reasonable to suppose that, if the Commission had been able to foresee that the cease-fire period would be prolonged throughout the greater part of 1949 and that Pakistan would use that period to consolidate its position in the *Azad* territory, the Commission would have dealt with this question in part II of the resolution of 13 August" [*paragraph 225*].

"It seems, however, very doubtful whether the northern areas were in fact in the autumn of 1948 under the 'effective' control of the Pakistan High Command, in the sense that the Commission understood the term 'effective control'. The Pakistan Government (Annex 24) stated that *no* Pakistan regular troops at any stage were employed in the operations which took place between May and December 1948..." [*paragraph 272*].

"...However, by January 1949 Pakistan undeniably held military control over the northern areas; the area was administered by local authorities, not those of the Jammu and Kashmir Government, with the assistance of Pakistan officials" [*paragraph 274*].

These show clearly that there was no need for a fresh determination of facts wpich had already been determined by the Commission. As for the non-implementation by Pakistan of part II of the resolution 13 August,1948, even the Government of Pakistan does not claim that it has withdrawn its armed forces from Jammu and Kashmir, although the Security Council imposed upon it this obligation in part II as far back as 1 January 1949. The Government of India's view that Pakistan has failed to implement parts I and II of this resolution is, therefore, incontestable.

7. I request that this communication may kindly be circula-

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ted to the members of the Security Council as a Security Council document.

(*Signed*) C. S. JHA
Permanent Representative of India
to the United Nations

(Source: UN Document no. S/4327)

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7

Kashmir Libration Movement

1. Letter dated 25 June, 1958 from the representative of Pakistan Agha Shahi to the President of the Security Council

1. I am directed by the Government of Pakistan to inform the Security Council that owing to the continued intransigence of India, which has prevented the Kashmir dispute from being resolved, conditions of unrest and frustration have arisen in the whole of Pakistan and Kashmir.

2. The failure of Dr. Frank Graham's recent mission, caused solely by the Government of India's categorical rejection of all his recommendations, has increased the discontent of the people of Pakistan and Kashmir, and Chaudhri Ghulam Abbas, a prominent Kashmiri leader representing the Muslim Conference and until recently Supreme Head of the *Azad* Kashmir Government, has in sheer desperation started a Kashmir liberation movement, the sole object of which is to liberate Kashmir from the Indian yoke. He has declared that as the condition on which Kashmiris had stopped fighting has not been fulfilled by India, they are at liberty to take direct action to secure their right of self-determination. He proposes to march peacefully into Kashmir on 27 June, 1958, along with his volunteers with the object, to use his own words, of arous-

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ing "the dormant conscience of international justice". Thousands of volunteers have rallied round him and their number is increasing. The local population is actively sympathetic to him and there is a public demand that he should be allowed to march into Kashmir.

3. The Government of Pakistan has given careful consideration to the serious situation which may develop as a result of the contemplated crossing of cease-fire line and have decided that, in keeping with their international obligations, they will in no circumstances permit any breach of cease-fire agreement and will take all the necessary steps to enforce this decision. The leaders themselves have been warned that though the Government of Pakistan will continue to take all possible steps through the United Nations to see that justice is done to the people of Kashmir and their leader Sheikh Abdullah, they cannot tolerate any breach of the agreement to which they stand committed. The Government of Pakistan has accordingly taken all possible measures to prevent any violation of the cease-fire line in Kashmir.

4. This letter may kindly be circulated among the members of the Security Council as a Council document.

(Signed) AGHA SHAHI
Minister Plenipotentiary
Acting Permanent Representative of Pakistan
to the United Nations

(Source: UN Document no. S/4036)

2. Letter dated 14 July, 1958 from the representative of India Arthur S. Lall to the President of the Security Council

1. I am instructed by the Government of India to refer to a letter dated 25 June 1958 [*S/4036*] from the acting permanent representative of Pakistan addressed to the President of the Security Council about threats in Pakistan and Pakistan-occupied Kashmir to cross the cease-fire line, in violation of the resolution adopted by the United Nations Commission for

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India and Pakistan on 13 August 1948 [*S/1100, para. 75*] and the cease-fire agreement.

2. The Pakistan representative's letter is yet another demonstration of the fact, repeatedly stated by India's representatives in the Security Council over the last ten years, that Pakistan has done nothing to create and maintain a peaceful atmosphere as she has the obligation to do under the resolution of the Security Council of 17 January 1948 and part I of the resolution of the United Nations Commission for India and Pakistan of 13 August 1948. On the contrary, Pakistan has been costantly stimulating hatred of India, uttering threats, promoting sabotage directly and indirectly, and creating a war psychosis among its people.

3. In paragraph 8 of my letter of 11 June 1958 [*S/4024*], I put forward unchallengeable evidence in the form of statements by the present Prime Minister, three ex-Prime Ministers and a Minister of the Government of Pakistan, inciting the people of Pakistan to hatred against India.

4. The aggressor who has annexed Indian territory by force, and imposed upon its people, who are Indian nationals, a draconian regime unrelieved by any regard for civil liberties and human rights, is now trying to claim credit for his intention to control the so-called unrest and frustration which he had done his best to foster. Such professions of virtuous conduct will deceive no one, considering that Pakistan's violations of the cease-fire agreement are recorded in detail in the proceedings of the Security Council, including its latest act of aggression against India, namely the organization and financing of subversion and sabotage in Jammu and Kashmir in which members of its intelligence service and armed forces are taking part.

5. As to allegations regarding the prevalence of unrest and frustration, if any, and the causes therefore, the following report of a statement made by Sardar Mohammed Ibrahim, President of the so-called *Azad* Kashmir Government, in a press interview in Karachi speaks for itself:

"In a press interview, Sardar Ibrahim said Mr. Gulham

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Abbas wanted to gain political power in '*Azad* Kashmir' and his move was directed not against India but against him (Ibrahim) and the Pakistan Government." (*Statesman*, New Delhi, 27 June 1958).

6. I request that this communication be circulated as a Security Council document and brought to the notice of the members of the Security Council.

(*Signed*) ARTHUR S. LALL
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations

(Source: UN Document no. S/4046)

3. Letter dated 15 July 1958 from the representative of Pakistan Agha Shahi to the President of the Security Council

1. In continuation of my letter dated 25 June 1958 [*S/4036*] I have been directed by my Government to draw the attention of Your Excellency and other members of the Security Council to the situation which has arisen throughout Pakistan and *Azad* Kashmir as a result of the launching of the Kashmir Liberation Movement under the leadership and direction of Chaudhri Ghulam Abbas and other leaders of the people of Kashmir. Despite the ban imposed by the Government on the holding of public meetings and on the taking out of processions, volunteers in large numbers have been attempting to march into that part of the State of Jammu and Kashmir which is under Indian occupation, shouting, "On to Chenari" (Chenari is near the cease-fire line and is the main point of entry into the State held by India). So far hundreds of volunteers from *Azad* Kashmir and the frontier districts of West Pakistan such as Rawalpindi, Gujarat, Abbottabad, Sialkot and Lahore, have been arrested for defying the ban. Chaudri Ghulam Abbas was arrested on 27 June, 1958, while trying to cross the cease-fire line at Chenari. Sardar Abdul Qaiyam Khan and Colonel Sher Ahmed, ex-Presidents of *Azad* Kashmir who took over

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the command, were also arrested in similar circumstances. Chaudhri Ghulam Abbas was released on 29 June, 1958, to enable him to celebrate the Muslim festival of Id-ul-Azha. But soon after his release he set out for Chenari and had to be re-arrested. Raja Haider Khan, ex-Defence Minister of *Azad* Kashmir, has also been detained for defying the ban. The arrest of these leaders has caused widespread resentment among the masses. A large section of the Press is supporting the movement and is criticizing the Government for obstructing the Kashmir people in the exercise of their right to go to their native place. Protest meetings and demonstrations are being held in all the border towns and in Lahore. The police had to use force at several places to disperse the demonstrators. A number of processions were recently taken out in Sialkot to demonstrate in front of the office of the United Nations Observer Group. They were dispersed with great difficulty and their leaders arrested. Shops were closed in protest. Women have also started courting arrest. The camps are full of volunteers. The dissident group led by A.R. Saghir and Nazir Husain Shah, who at first did not support Abbas' movement, are now supporting it wholeheartedly. Sardar Ibrahim, President of *Azad* Kashmir, is becoming unpopular owing to his opposition to the movement. His own supporters are deserting him. The situation is gradually deteriorating.

2. The Government of Pakistan is determined to maintain law and order and to honour its commitments with regard to the inviolability of the cease-fire line. The high command of the Liberation Movement seems to be equally determined, according to its proclaimed intentions, to violate the cease-fire line and, to use its own words, "to precipitate a first-class crisis in this world of slumbering conscience and force Mr. Dag Hammarskjold to see on the spot the sanctity of the artificial barrier smashed to pieces". The widespread public agitation and the support the movement is receiving from almost all the important political parties of Pakistan such as the Muslim League, Jamaat-e-Islami, National Awami Party, Millat, and Awami League, has made the task of the Government of Pakistan difficult. However, it will continue to do is best.

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3. I request that this letter be circulated among the members of the Security Council.

(*Signed*) AGHA SHAHI
Minister Plenipotentiary,
Acting Permanent Representative of Pakistan
to the United Nations

(Source: UN Document no. S/4048)

4. Letter dated 15 August 1958 from the representative of India Arthur S. Lall to the President of the Security Council

1. Permit me to draw your attention to the communication addressed to you by the acting permanent representative of Pakistan and circulated as document S/4048 of 15 July 1958. It is not the intention of the Government of India to prolong this correspondence interminably. For its part, the Government of India do not think it proper or dignified that Pakistan should burden the Security Council with baseless communications and use the medium of the United Nations to give publicity to tendentious *canards* and distortions of fact. While therefore, we shall refrain, in the future, from answering such letters from the representative of Pakistan, the Government of India will always be glad to furnish correct factual information to the United Nations or any one of its organs, Members, or authorities, or to anyone genuinely seeking information.

2. The acting permanent representative of Pakistan has sought in his letter of 15 July 1958 to justify the so-called "liberation movement" started by Mr. Ghulam Abbas. He has referred to alleged widespread support for the movement in Pakistan from almost all the important political parties and has stated that this has rendered difficult the task of his Government in checking the movement. It is stated hundreds of volunteers from Pakistan-occupied Kashmir and from the frontier districts of West Pakistan have been arrested for defying the ban and that the arrests of these persons have caused widespread resentment among the people of Pakistan. In connexion with these allegations it is interesting to read a

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report from the *Pakistan Times*, Lahore, dated 29 July, 1958 reproduced below, according to which Sardar Mohammed Ibrahim, the President to the *Azad* Kashmir Government, contradicted exaggerated reports of the so-called movement, particularly reports about the number of persons arrested by the Pakistan-occupied Kashmir Government:

"The President of the *Azad* Kashmir Government, Sardar Mohammed Ibrahim Khan, on Monday contradicted a news item appearing in a section of the press on Monday that forty-five persons were arrested near Mirpur on Sunday.

"He told APP in Lahore that he had contacted his headquarters at Muzaffarabad and had been informed that no procession was taken out in Mirpur on Sunday and there had been no arrest in any part of Mirpur. The news, he said, was baseless and without any foundation.

"Continuing, he said no new front had been opened in Madarpur, District Poonch, for crossing the cease-fire line. The news to that effect, he said, was also wrong.

"Sardar Mohammed Ibrahim said that according to up-to-date figures available with the *Azad* Kashmir Government, there were at present only forty persons under arrest in *Azad* Kashmir."

3. The Government of India would leave it to the judgement of the members of the Security Council to draw their own conclusions from the contents of the letter from the acting permanent representative of Pakistan. It is abvious that the compaign started by Mr. Gulham Abbas is sustained by Pakistan's own policy and encouragement. In other words the much publicized assertions of the Government of Pakistan "condemning" the campaign stand clearly exposed.

4. The acting permenent representative of Pakistan has, in his letter, referred to the right of the people of Kashmir to go to their native place. The Government of India has no doubt that if Pakistan's illegal occupation were withdrawn, the people at present living in Pakistan-occupied Kashmir would heave a sigh of relief and would be reunited with their brethren

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across the cease-fire line and enjoy the fruits of democracy and economic well-being.

5. I would request that this letter be circulated to the members of the Security Council.

(*Signed*) ARTHUR S. LALL
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations

(Source: UN Doument No, S/4086)

5. Letter dated 10 September , 1958 from the representative of Pakistan Mr. R. S. Chhatari to the President of the Security Council

1. I have the honour to refer to the letter of the permanent representative of India, dated 15 Auguest 1958, which is contained in document S/4086.

2. My Government regrets its inability to comprehend the feeling of irritation displayed by the permanent representative of India in paragraph 1 of his letter under reference. Indeed it cannot be caused by reporting to the Security Council, in compliance with terms of its resolution of 17 January 1948 important developments which are likely to effect a material change in the prevailing situation of the Kashmir dispute. Nor could it result from the actions which the Government of Pakistan is taking. One is, therefore, at a loss to determine the cause of the distress of the permanent representative of India.

3. In his letter the permanent representative of India has questioned facts submitted to the members of the Security Council in our letter of 15 July 1958 [S/4048], relating to the launching of the Kashmir Liberation Movement under the leadership of Mr. Ghulam Abbas. In his letter he has adduced no evidence to contradict the facts. On the contrary, he has relied solely on one news report published in a Pakistani newspaper. This report referred not to the scope and character of the movement itself but to the happening of one particular day.

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4. For brevity's sake, I reproduce only a few reports and comments published by impartial news services. They appear as an annex to this letter. These reports explain the situation which confronts my Governments at present.

5. Finally, by stopping the people of *Azad* Kashmir from marching across the cease-fire line, my Government had to perform the unpleasant duty of arresting and imprisoning leaders and thus causing dissatisfaction throughout Pakistan at a time when national elections in Pakistan are about to take place.

6. The people of *Azad* Kashmir are convinced that as *bona fide* citizens of Kashmir they have a right to return to their homes.

7. I request that this letter be circulated to the members of the Council as a Security Council document.

(*Signed*) R. S. CHHATARI
Acting Permanent Representative of Pakistan
to the United Nations

ANNEX

"*Kashmir Marchers' Leader Arrested: Pakistan Police Action*

"Several batches of volunteers were arrested or detained at Murree, Sialkot, Gujranwala, Lohore, Jhelum, and other places. Volunteers from towns in *Azad* Kashmir (the part of Kashmir under Pakistan protection) reached Musaffarabad for the march across the cease-fire line. Raja Haider Khan, former Defence Minister, of *Azad* Kashmir and Sardar Abdul Qaiyam Khan, ex-President of the Kashmir Government, were arrested while they were leading groups of volunteers."

Dispatch by own correspondent
in *The Times London*, 28 June 1958

"*Kashmir 'Liberation' Leader Rearrested*

"Karachi, 29 June—Chaudhir Ghulam Abbas, leader of the 'Kashmir Liberation Movement', who was arrested on Friday, was released today but detained again soon afterwards

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on his way to make a second attempt to cross the cease-fire line between Indian and Pakistan troops in Kashmir.—Reuter."

The Times, London
30 Junđ 1958

Kashmir March Begins

"Pakistani Group Attempting a Peaceful Invasion

"Rawalpindi, Pakistan, 27 June (AP)—The Pakistan Police hauled away demonstrators by the hundreds today in an effort to break up a peaceful invasion of India-held Kashmir which Pakistan claims.

"But a spokesman for the 'Kashmir Liberation Movement' said that 120 volunteers had reached the border between the Indian and Pakistani parts of Kashmir and that 5,000 more were marching to join them for a border crossing tomorrow at Chenari. No violence was reported."

The New York Times,
28 June 1958

"Pakistan Black Kashmir March

"Rawalpindi Pakistan, 28 June (AP)—Police battled for five hours today with more than a thousand Pakistani volunteers attempting a peaceful invasion of Indian-held Kashmir. More than 200 were reported injured. The clash occurred on the road to Srinagar at Chenari. Police charged repeatedly with batons and threatened to fire on the unarmed volunteers, who are members of the Kashmir Liberation Movement. The volunteers defied the police by lying in the road and daring the police to shoot.

"Pakistan claim Kashmir and has long been in dispute with India over it. While the Government is sympathetic with the aims of the movement, it announced last week that the march on Kashmir was banned."

New York Herald Tribune,
29 June 1958

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"On an Uneasy Border

"A good example of the determination to avoid trouble, or possible, has recently been given on the uneasy border of the cease-fire line between Pakistan and India in Kashmir. On several occasions Pakistan has taken vigorous measures to prevent a march of Pakistani 'Liberation Volunteers' across the line. The highest officials in Pakistan have declared that they will countenance on such action and will use force, if necessary, to prevent it.

"This was a hard decision to make and the Pakistanis are to be congratulated on the firmness of their position. These Liberatian' marchers are actually asking precisely what Pakistan has urged from the beginning, a free plebiscite of Kashmiris to determine their political future. With such a goal the Government of Pakistan is in entire agreement. Moreover, the marchers have insisted that they proposed only a 'peaceful' demonstration.

"Manifestly, the Karachi Government felt that this could not be risked. 'Peaceful' demonstrations have gone out of and many times before this, and the Kashmir cease-fire border is explosive. Any sort of 'invasion' might supply the spark.

"Pakistan and India have agreed to a cease-fire line founding the final settlement of Kashmir's status. There have been frequent charges and countercharges of violations, but the line in the main has been held. Pakistan has now stopped the most serious threat of a real violation in a mass movement. This is an evidence of good faith that should be taken into account as the case is further considered. It argues still further for the free plebiscite in Kashmir that is the only honourable basis for a solution of the conflict."

The New York Times,
13 July 1958

(Source: UN Document no. S/4095)

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8

Domestic Jurisdiction

1. Letter dated 28 March, 1958 from the representative of Pakistan Aly Khan to the President of the Security Council

1. Under instructions from my Government, I have the honour to bring to Your Excellency's notice and to the notice to the Security Council a report which has appeared in the *Hindustan Times*, New Delhi, of 18 February, 1958:

> "Two important announcements indicating progress towards full integration of Kashmir with India were also made by Pandit Pant (the Minister for Home Affairs). They were (*a*) integration of the State's services with the rest of India, and (*b*) extension of the jurisdiction of the Comptroller and Auditor General of India to the State Executive".

2. This new move of the Government of India constitutes a further step towards integrating the State of Jammu and Kashmir with India. With the amalgamation of the State's services with those of India, the State of Jammu and Kashmir will cease to be a separate entity in contravention of the directives of the Security Council, particularly those contained in its resolutions of 30 March, 1951 and 24 January 1957, which lay down that the final disposition of the State of Jammu and Kashmir shall be made in accordance with the will of the people

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expressed through the democratic method of a free and impartial plebiscite, conducted under the auspices of the United Nations. The Government of India cannot, therefore, deal with the State of Jammu and Kashmir as though it were a part of India. Any such action would not only constitute a violation of the Security Council resolutions, but also a repudiation of the international agreement to which India is a party.

3. My Government takes a grave view of the abovementioned announcements, particularly at this juncture, when Mr. Frank P. Graham, the United Nations representative, is engaged, in pursuance of the resolution of the Security Council of 2 December 1957, in finding a peaceful solution of the problem.

4. My Government reserve to themselves the right to ask later for further action by the Security Council in regard to this matter.

5. It is requested that this communication may kindly be brought immediately to the notice of the members of the Security Council.

(*Signed*) ALY KHAN
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document no. S/3981)

2. Letter dated 11 April, 1958 from the representative of Pakistan Agha Shahi to the President of the Security Council

1. I have been directed by my Government to draw the attention of the Security Council to the reign of terror that has lately been let loose by the so-called Government of Indian-occupied Kashmir with the approval and support of the Government of India, ostensibly to maintain law and order, but in reality to crush the growing demand of the people for a free and impartial plebiscite in the State.

2. Ever since Sheikh Mohammed Abdullah's release from

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Kud Jail after four years and five months' detention without trial, illegal and unconstitutional steps have been and are being taken by the administration to terrorize his supporters who are not prepared to accept the alleged accession of Jammu and Kashmir to India as valid, final or irrevocable. This campaign of terror is being carried out through members of Hindu and Sikh militant organizations who are actively assisted by the State militia, the so-called Peace Brigade", which, in fact, is a notorious terrorist organization, and by contingents of the Central Reserve Police Force. Sheikh Abdullah himself has been receiving threats to his life and property from these elements. Speeches have been made by the Indian Home Minister, Pandit Pant, and the Defence Minister, Mr. Krishna Menon, and some other prominent Indian leaders declaring any person in the State of Jammu and Kashmir who challenges the finality of the State's accession to India to be guilty of treason. In this way, the State Government has been encouraged to resort to violence and outrage.

3. The number of those arrested is reported to run into thousands. The entire Organizing Committee of the Kashmir Political Conference comprising forty members, with the exception of three, who have been exiled, has been imprisoned. Six of its Presidents are also in jail. As many as five Presidents of the Plebiscite Front, together with its entire executive body, are under detention. The names of some of the prominent persons amongst those arrested are as follows:

1. Khwaja Ghulam Qadar, former member of the Indian Parliament.
2. Maulvi Mohammad Saeed Masoodi, former member of the Indian Parliament.
3. Soofit Mohmmad Akbar, President, Plebiscite Front.
4. Ghulam Mony-ud-Din Hamdani, General Secretary, Plebiscite Front.
5. Nazamud Din Bondey, Secretary, Plebiscite Front.
6. Ghulam Hassan Kant, Secretary, Plebiscite Front.

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7. Ghulam Rasul Karra, brother of Ghulam Mohyuddin Karra, President of the Kashmir Political Conference.
8. Ali Mohammad, member of the Kashmir Political Conference.
9. Ghulam Mohammad Butt, member of the Plebiscite Front.
10. Ghulam Rasool Kochak.
11. Khwaja Mohammad Amin.
12. Habibullah Illahi.
13. Abdul Hameed of Shopian.
14. Mirza Ghulam Qadir Beg.
15. Pir Maqbool Yalgami.
16. Kwaja Ali Shah.
17. Sadarud Din Mujahid.
18. Kwaja Abdullah Loan.
19. Kwaja Babibullah Zargar.
20. Sheikh Mohammad Mansoor.
21. Ghulam Hassan Ali.
22. Ghulam Rasool, President, Mohalla Sayar (who has since succumbed to the injuries received at the hands of National Conference hoodlums).
23. Pandit Raghu Nath Vishnavi, a prominent Hindu leader and Secretary of the People's Defence and Relief Committee for the victims of the Hazratbal clash.

4. The press has been completely muzzled in order to make it impossible to publish any criticism of the Government's policy in the local or foreign press. Any person raising his voice against the Government is treated as a public enemy and is severely punished. Section 144 of the Criminal Procedure Code and rule 50 of the Defence Rules have been imposed in Srinagar, Islamabad, Baramula and other parts of the Valley of Kashmir, prohibiting the holding of public meetings, the taking

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out of processions, and the assembling of five or more persons in Public places. There being a monopoly of procurement and distribution in the hands of the administration and its agents, a food scarcity has been created to destroy the morale of the populace and thus to act as a deterrent to those who may oppose the Government's policy.

5. In short, life in Indian-occupied Kashmir has become a nightmare. In sheer desperation, the people have launched a civil disobedience movement and have offered themselves for arrest by defying the bans placed on civil liberties. A large number of hungersticken people are crossing over into the *Azad* Kashmir territory, bringing reports of all kinds of excesses and atrocities perpetrated on the civil population. These reports cannot but inflame feelings in Pakistan. The situation has thus become even more dangerous and constitutes an aggravated threat to the peace and security of the area unless the puppet Bakhshi regime, which is acting under instructions of the Government of India, puts an end to its tactics of terror.

6. It will, no doubt, be appreciated that the conditions at present obtaining in the India-held part of Jammu and Kashmir clearly violate the resolution adopted by the United Nations Commission for India and Pakistan on 5 January, 1949 [*S/1196, para. 15*], which, *Inter alia*, provides that no restrictions will be placed on legitimate political activity throughout the State; that all subjects of the State, regardless of creed, caste or party, shall be safe and free in expessing their views and that there shall be freedom of the press, speech and assembly; that political prisoners will be released; that minorities in all parts of the State will be accorded adequate protection, and that there will be no victimization. Also, the Security Council resolution of 2 December, 1957 [*S/3922*] has been violated, as it enjoins both the Governments of India and Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation, and further calls upon them to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

7. It is requested that this letter may be circulated among

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the members of the Security Council. The Government of Pakistan reserve to themselves the right to ask that suitable action be taken to prevent these atrocities and to restore civil liberties in that part of the State of Jammu and Kashmir which is under the occupation of the Indian army.

(*Signed*) AGHA SHAHI
Acting Permanent Representative of Pakistan to the United Nations

(Source: UN Document no. S/3987)

3. Letter dated 24 April 1958 from the Representative of India Arthur S. Lall, to the President of the Security Council

1. I am instructed by the Government of India to refer to the letter dated 28 March, 1958 from the representative of Pakistan to the President of the Security Council [*S/3981*] about certain administrative and audit arrangements in Jammu and Kashmir and to say that the Government of India are surprised at this further attempt by the Government of Pakistan to mislead the Security Council.

2. The State of Jammu and Kashmir had been an integral part of the Union of India since 26 October 1947, when it acceded to India. The accession took place in accordance with the procedures laid down in an act of the British Parliament, namely, the Government of India Act, 1935, as amended in 1947, which laid down the procedures to be adopted by the Governments concerned, viz., the Governments of the United Kingdom, India and Pakistan. The position that the State of Jammu and Kashmir is an integral part of the Indian Union has been the basis India's complaint to the Security Council and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August, 1948 [*S/1100, para. 75*] and 5 January 1949 [*S/1196, para. 15*] and the assurances given by the Commission to the Prime Minister of India on behalf of the Security Council. The Government of Pakistan are also fully aware that the Government of India did not accept the resolutions of the Security Council dated 30 March 1951 [*S/2017/Rev. 1*] and 24 January 1957 [*S/3779*], which have been

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quoted in the letter from the representative of Pakistan, and that the Governments of India and Pakistan have both accepted the resolution of the Security Council dated 17 January 1948 and that they are engaged by the two resolutions dated 13 August 1948 and 5 January 1949 of the United Nations Commission for India and Pakistan.

3. The Government of India have not violated any Security Council resolution that they have accepted nor have they repudiated any of their international engagements. The Government of Pakistan on the other hand have throughout the last ten years acted in violation of the resolution of the Security Council dated 17 January 1948 which they had accepted, and have failed to carry out their obligations under the resolutions of the Commission dated 13 August 1948 and 5 January 1949. They have consolidated their aggression on the Indian Union territory which they continue to occupy unlawfully, and have been committing further aggression by promoting subversion and by numerous acts of sabotage in Indian Union territory.

4. The Government of India take serious exception to this deliberate misrepresentation by the Government of Pakistan of measures taken in the normal course to secure administrative efficiency and proper audit control in the functioning of the Governments of the constituent States of the Indian Union. This attempt of the Government of Pakistan to seek to interfere in the internal affairs of the Union of India is obviously intended to cover up their continued violations of the resolutions of the Security Council and of the United Nations Commission for India and Pakistan and to confuse the basic issues in the Kashmir situation.

5. It is requested that this communication may kindly be brought to the notice of the members of the Security Council.

(*Signed*) ARTHUR S. LALL,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations

(Source: UN Document No. S/3994).

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4. Letter dated 1 May 1958 from the representative of India Arthur S. Lall, to the President of the Security Council

1. I am instructed by the Government of India to refer to a letter dated 11 April 1958 from the acting permanent representative of Pakistan to the President of the Security Council [*S/3987*] and to state that the allegations made therein are baseless and are a travesty of the truth. These allegations are a part of the campaign of hatred and calumny against India which the Government of Pakistan has, in violation of the resolution of the Security Council dated 17 January 1948 and Pakistan's subsequent commitments, been conducting without abatement.

2. As the Council is aware, Pakistan committed aggression against the Indian territory of Jammu and Kashmir and has consolidated this aggression in violation of the Council's resolution dated 17 January 1948. The resolution of the United Nations Commission for India and Pakistan dated 13 August 1948 [*S/1100, para. 75*] requires the Government of Pakistan to cease this aggression. Instead of carrying out its obligations under this resolution and bringing its policy and action in accord with the provisions of the United Nations Charter, the Government of Pakistan is, by its irrelevant and wrong references to the resolution of the Commission dated 5 January 1949 [*S/1196, para. 15*], which is supplementary to the resolution of 13 August 1948, seeking to justify its interference in the internal affairs of India, the retention of the gains of its aggression and its further aggression on Indian territory.

3. Except for the area of the Jammu and Kashmir State which is unlawfully occupied by Pakistan by force, the State, as a part of the Federal Union of India, enjoys parliamentary and democratic liberties ensured under the Indian Constitution to the States. There is a Legislature elected by adult suffrage and a Government reeponsible to that Legislature. This Government has been formed by the National Conference Party of the Jammu and Kashmir State which has a considerable majority in the Legislature. The opposition parties in the State have freedom to criticize and comment on the activities of the

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Government. Indian and Foreign newspapers have their correspondents there and they have been reporting freely.

4. For many months past, as was pointed out by India's representative in the Security Council, a deliberate campaign of subversion and sabotage in the State has been organized from Pakistan, resulting in a large number of bomb outrages in which many persons were killed, many more injured and considerable property was destroyed. The allegation that all kinds of excesses are being committed against the civilian population is wholly untrue. The local authorities are, in the interests of maintaining law and order, constrained to take action against those who participate in sabotage and subversive activities organized by the Government of Pakistan.

5. There are thirty-five persons in detention in Jammu and Kashmir at present. The police have, in addition, arrested some seventy-two persons for murder or rioting and other offences. These persons are in judicial custody as under-trials. The allegation that the number of arrested persons amounts to thousads is entirely false and baseless.

6. District magistrates in three of the districts have, in view of the breaches of the peace that have occurred due to the campaign of sabotage and rioting organized from Pakistan, promulgated rule 50 of the Jammu and Kashmir Defence Rules in order to prevent lawlessness, acts of violence and rioting. This rule requires permission to be obtained for meetings and processions. There is no ban on religious gatherings. Those committing a breach of this rule are dealt with under the processes of the law.

7. In spite of the subversive and sabotage activities engineered by Pakistan, life in Jammu and Kashmir is normal. The tourist season has started and hundreds of visitors, including a large number of foreigners, go to Kashmir daily. Local festivals were recently celebrated with great enthusiasm on 13 and 21 April and thousands of people of all communities, as also some foreign tourists, participated in these celebrations.

8. Not content with their aggression and forcible occupation of part of the Jammu and Kashmir State, their consistent

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campaign of calumny and vilification against the Government of India and of subversion and sabotage against the legally constituted Government of the Jammu and Kashmir State, the Government of Pakistan have made these false allegations and have referred to non-existent Sikh and Hindu organizations. Presumably this is meant to cover up the reign of terror that prevails in the Pakistan-occupied area of Jammu and Kashmir.

9. In the area of the Jammu and Kashmir State, forcibly and unlawfully occupied by Pakistan, there have been no elections of any kind and there are no democratic rights or civil liberties. They have no legislature, no independent judiciary, much less a free press. Evidence of this has been provided by the leaders of these unfortunate people themselves and is available in the records of the Security Council. Protests by local editors against the suppression of civil liberties, by public leaders against exploitation of their natural resources for the benefit of Pakistan and their repeated demands for an opportunity to exercise self-determination and choose a Government which represents them and not the invader, have been completely ignored. Political corruption and deterioration of law and order and general administration in Pakistan, to which pointed attention was drawn by President Iskander Mirza in his Republic Day speech, are particularly evident in Pakistan occupied Kashmir. According to a recent issue of "Tanzeem", a newspaper of that area, 10,000 people in several villages are facing starvation.

10. I am instructed by the Government of India to request that this letter may be circulated to the members of the Security Council.

(*Signed*) ARTHUR S. LALL
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India
to the United Nations

(Source: UN Document No. S/3999)

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5. Letter dated 18 August 1958 from the representative of India Arthur S. Lall to the President of the Security Council

1. I have the honour to refer to the letter of the permanent representative of Pakistan dated 30 July 1958 which is contained in document (*S/4070*).

2. The Government of India once again regrets the tone of the letter of the permanent representative of Pakistan, and wishes to say that it is not its intention to answer invective with invective. It must undoubtedly occur both to the members of the Security Council and to the Members of the United Nations in general that if the Government and permanent representative of Pakistan had a case they could well sustain it by statements couched in reasoned and moderate language. It can only be the absence of a good case that leads them once again to intemperate statements. In these circumstances the Government of India will refrain from commenting on most of the letter from the permanent representative of Pakistan except to state again that the relevant facts are as set out in my previous letters of 11 June 1958 [*S/4024*] and of 6 July 1958 [*S/4042*].

3. However, a brief comment is called for on paragraph 7 of that letter which describes statements in paragraph 8 of my letter of 6 July as highly provocative. That a position sustained by a reference to the Charter of the United Nations, namely, that taken in paragraph 8 of my letter of 6 July, should be considered by another Member State as highly provocative is, to say the least, an extraordinary reaction. Not only is the fundamental law of the Organization so regarded, but apparently the permanent representative of Pakistan also considers as provocative the fact that Jammu and Kashmir acceded to the Indian Union in accordance with the procedures laid down in the Constitution then in force in India, i.e. the Government of India Act 1935, which was an enactment of the British Parliament as adapted under the India (Provisional Constitution) Order 1947, issued under the Indian Independence Act 1947, which was also an enactment of the British Parliament. This latest letter of the permanent representative of Pakistan can be construed only as

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a repudiation of fundamental international agreements involving his Government and arrived at when the two independent States of India and Pakistan were constituted. Regarding Kashmir, the basic international obligations of Pakistan arise out of the intergovernmental agreements entered into when British authority withdrew. To them are added Pakistan's obligations under the United Nations Charter and its own commitments under the Security Council resolution of 17 January 1948 and the resolutions of the United Nations Commission for India and Pakistan. Finally, the Government of India wishes me to state that it is confident that the Members of the United Nations, with their experience of India as a fellow member, will deeply regret, as India does, that the permanent representative of Pakistan should have used wholly inapplicable epithets in connexion with India.

4. I request that this communication be circulated as a Security Council document and brought to the notice of the members of the Security Council.

(*Signed*) ARTHUR S. LALL
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations

(Source: UN Document No. S/4088)

6. Letter dated 27 August, 1958 from the representative of Pakistan R.S. Ghhatari to the President of the Security Council

1. Under instructions from my Government, I have the honour to refer to the letter of the permanent representative of India, dated 18 August, 1958 [*S/4088*].

2. Having exposed the tactics of misrepresentation by the permanent representative of India, it was not the intention of my Government to burden Your Excellency any further with this correspondence.

3. However, since the permanent representative of India has seen fit to side-track the issue by introducing positions and arguments which are contrary as much to his Government's commitments regarding Kashmir as to the declared standpoint

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of the Security Council, I crave your indulgence in bearing with me for this once to enable me to set the record straight.

4. Before going into the demerits of India's stand, which incidentally is again based on misrepresentation and distortion of facts, I deplore the manner in which the representative of a Member State is attempting to mislead the Security Council by deliberately abusing the provisions of the United Nations Charter with a view to flouting unilaterally the international agreement which binds the Governments of India and Pakistan and to which the Security Council itself is a party.

5. That the Security Council does not entertain India's contention is evident from all of its resolutions generally and from the one adopted on 24 January 1957 [*S/3779*], particularly.

6. The decision of the Security Council to continue consideration of the dispute is in itself conclusive proof of the fact that at no stage did it ever consider the dispute to fall within the domestic jurisdiction of either India or Pakistan.

7. As the statements made and the positions taken by the representatives of the Governments of India and Pakistan since 1948 remain on the records of the Security Council. I will, in the interests of brevity and in order to avoid repetition, abstain from citing them. What, however, I propose to do is to quote from the public statements of no less a person than the Prime Minister of India himself relating to the over-all issue and its constituents. These statements, which appear as an annex to this letter, are in fact the commitments publicly made on his word of honour to the world by the Indian Prime Minister and from which the Government of India, through its permanent representative, is now trying to wriggle out.

8. Is it not a mockery of the Charter to go back upon all those commitments, both national and international and to say now, as the permanent representative of India has done in paragraph 8 of his letter of 6 July, 1958 [*S/4042*], that "there can be no question that the type of interest which the acting permanent representative of Pakistan is taking in the domestic affairs of India is in violation of Article 2, paragraph 7, of the United Nations Charter"?

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9. It will no doubt be appreciated that we are putting it mildly when we react to India's behaviour by describing it as highly provocative.

10. I repeat that we shall not allow ourselves to be browbeaten. We shall not allow India to get away with the liberty and freedom of a people. Pakistan, having reaffirmed its faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, shall give no quarter and ask for none in establishing and upholding the cause of the downtrodden Kashmiris.

11. I request that this communication, together with its annex, be circulated as a Security Council document and brought to the notice of the members of the Council.

(*Signed*) R.S. CHHATARI
Acting Permanent Representative of Pakistan to the United Nations

ANNEX

A. *The question of Jammu and Kashmir is not within the domestic jurisdiction of India so as to invoke Article 2, paragraph 7, of the Charter:*

". . . It is an international problem and would have been an international problem anyhow if it concerned any other nation besides India—and it does. Its international character was further emphasized because a large number of other countries took an interest in the problem and gave advice."

". . . I fail to understand this cry about our withdrawing the Kashmir dispute from the United Nations. It is not like withdrawing a case from one law court and taking it to another. The United Nations is not merely to be considered a forum dealing with the Kashmir question. The question is before the nations of the world, whether they are united or not and whether they are a forum or not. It is an international matter and a matter which is in the minds of millions of men."

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Jawaharlal Nehru

Statement in the Indian Parliament, 7 August, 1952

"What is happening in Kashmir is certainly our concern, but we should remember Kashmir has become an international question. The whole dispute about Kashmir is still before the United Nations. We cannot just decide things concerning Kashmir. We cannot pass a Bill or issue an order concerning Kashmir or do whatever we want. . . ."

Jawaharlal Nehru

Speech at public meeting at Kolhapur, 29 April 1952

(*The Statesman*, 1 May, 1953)

"In Kashmir we have to deal with a very difficult and delicate situation, the decision on which ultimately lies with a few million people in Kashmir, not even with this Parliament.

". . . India is a great country and Kashmir is almost in the heart of Asia. There is an enormous difference, not only geographically but in all kinds of factors there. Do you think you are dealing with a part of U.P. or Bihar or Gujarat?".

Jawaharlal Nehru

Statement in the Indian Parliament, 26 June 1952

(*Hindustan Times*, New Delhi, 27 June 1952)

"With all deference to this Parliament, I would like to say that the ultimate decision will be made in the minds and the hearts of the men and women of Kashmir and not in this Parliament or at the United Nations. . . .

"Let me say clearly that we accept the basic proposition that the future of Kashmir is going to be decided finally by the goodwill and pleasure of her people. The goodwill and pleasure of this Parliament is of no importance in this matter, not because this Parliament does not have the strength to decide the question of Kashmir, but because any kind of imposition would be against the principles that this Parliament upholds. . . ."

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Jawaharlal Nehru

Statement in the Indian Parliament, 7 August 1952

"Kashmir is not the property of either India or Pakistan. It belongs to the Kashmiri people. When Kashmir acceeded to India, we made it clear to the leaders of the Kashmir people that we would ultimately abide by the verdict of their plebiscite. If they tell us to walk out, I would have no hesitation in quitting Kashmir. . . ."

"We have taken the issue to the United Nations and given our word of honour for a peaceful solution. As a great nation, we cannot go back on it. We have left the question for final solution to the people of Kashmir and we are determined to abide by their decision."

Report of public speech by Mr. Nehru in Calcutta on 1 January, 1952, published in *Amrita Bazar Patrika*, Calcutta, 2 January, 1952

"1 wish to assure you that action Government of India has taken has been forced upon them by circumstances and imminent and grave danger to Srinagar. They have no desire to intervene in affairs of Kashmir State after raiders have been driven away and law and order established. In regard to accession also it has been made clear that this is subject to reference to the people of the State and their decision. Government of India have no desire to impose any decision and will abide by people's wishes but those cannot be ascertained till peace and law and order prevail."

Jawaharlal Nehru

(In telegram No. 413 dated 28 October, 1947 to the Prime Minister of Pakistan)

"We had given our pledge to the people of Kashmir, and subsequently to the United Nations; we stood by it and we stand by it today. Let the people of Kashmir decide."

Jawaharlal Nehru

Statement in the Indian Parliament, 12 February 1951

"In the nature of things at the present moment, it is

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necessary to consider the case of Jammu and Kashmir State on a somewhat different footing from the other States in India. This is inevitable because Kashmir has become an international issue in the last few years."

Jawaharlal Nehru
Statement in the Indian Parliament, 7 August, 1952

B. *Pakistan is an essential party to the question of the future of Jammu and Kashmir:*

"Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision regarding the future of this State to the people of the State is not merely a promise to your Government but also to the people of Kashmir and to the world."

Jawaharlal Nehru

In telegram No. 225, dated 31 October, 1947, addressed to the Prime Minister of Pakistan

"It will thus be seen that our proposals which we have repeatedly stated are (1) that Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir; (2) that Government of India should repeat their declaration that they will withdraw their troops from Kashmir soil as soon as raiders have withdrawn and law and order are restored; (3) *that Governments of India and Pakistan should make a joint request to U.N.O. to undertake a plebiscite in Kashmir at the earliest date.*"

Jawaharlal Nehru

In telegram No. 304 Primin, dated 8 November, 1947, addressed to the Prime Minister of Pakistan

"Ultimately, the final decision of settlement which must come has first of all to be made basically by the people of Kashmir and, secondly, as between Pakistan and India directly."

Jawaharlal Nehru

Statement at a press conference in London, 16 January, 1951 (*The Statesman*, 18 January, 1951)

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C. *The pledge to put the question of the future of Kashmir to the decision of its people through a fair and impartial plebiscite under the auspices of the United Nations is the overriding commitment:*

"Kashmir's accession to India was accepted by us at the request of the Maharaja's Government and the most numerously representative popular organization in the State, which is predominantly Muslim. Even then it was accepted on condition that as soon as the invader has been driven from Kashmir soil and law and order restored, the people of Kashmir would decide the question of accession. It is open to them to accede to either Dominion then."

Jawaharlal Nehru

In telegram No. 255 dated 31 October, 1947, addressed to the Prime Minister of Pakistan

"In regard to accession also, it has been made clear that this is subject to reference to people of State and their decision."

Jawaharlal Nehru

In telegram No. 413 dated 28 October 1947, addressed to the Prime Minister of Pakistan

"I have repeatedly stated that as soon as the raiders have been driven out of Kashmir or have withdrawn and peace and order have been established, Kashmir should decide question of accession by plebiscite or referendum under international auspices such as those of United Nations."

Jawaharlal Nehru

In letter No. 368 Primin, dated 21 November, 1947, addressed to the Prime Minister of Pakistan

"I should like to make it clear that question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view, which we have repeatedly made public, is that the question of accession in any disputed territory or State must be decided in accordance with wishes of people and we adhere to this view."

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Jawaharlal Nehru

In telegram No. 402-Primin-2227, dated 27 October, 1947, to the Prime Minister of Pakistan, repeating telegram addressed to the Prime Minister of the United Kingdom

"We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given not only to the people of Kashmir but to the world. We will not and cannot back out of it."

Jawaharlal Nehru

Broadcast to the nation. All-India Radio, 3 November 1947

"The Government of India are firmly of the view that whatever sovereign rights reverted to these States on the lapse of paramountcy, they vest in the people, and conditions must be created in every State for a free and unfettered exercise of these rights."

White Paper on Hyderabad, issued by the Government of India, dated 10 August 1948

"India has repeatedly offered to work out with the United Nations reasonable safeguards, to enable the people of Kashmir to express their will, and is always ready to do so.

"We have always, right from the beginning, accepted the idea of the Kashmir people deciding their fate by referendum or plebiscite. . . .

"In fact, this was our proposal long before Pakistan came into the picture and long before the United Nations came into the picture.

"Of course, it must be remembered that we (India and Pakistan) have reached a great deal of agreement already. What I mean is that many basic features have been thrashed out. We all agreed that it is the people of Kashmir who must decide for themselves about their future externally or internally. It is an obvious fact, that even without our agreement, no country is going to hold on to Kashmir against the will of the Kashmiris."

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Jawaharlal Nehru

Statement at a press conference in London, 16 January 1951 (*The Statesman*, 18 January 1951)

"While the accession (of the Jammu and Kashmir State to India) was complete in law and in fact, the other fact which has nothing to do with law also remains: namely, our pledge to the people of Kashmir—if you like, to the people of the world—that this matter can be affirmed again or cancelled by the people of Kashmir according to their wishes."

Jawaharlal Nehru

Statement in the Indian Parliament, 7 August 1952

"The Kashmir dispute was specially discussed at some length. It was their firm opinion that this should be settled in accordance with the wishes of the people of that State with a view to promoting their well-being and causing the least disturbance to the life of the people of the State. The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite."

Joint press communique of the Prime Ministers of India and Pakistan, issued in New Delhi after their meeting on 20 August 1953

(Source: UN Document No. 4092).

7. Letter dated 24 October 1958 from the representative of India Arthur S. Lall to the President of the Security Council

1. I have the honour to refer to the letter of the acting permanent representative of Pakistan dated 27 August 1958 [*S/4092*].

2. He has sought to argue that "that the Security Council does not entertain India's contention is evident from all of its resolutions generally...". Furthermore he has advanced the plea that the decision of the Security Council to continue consideration of the issue is in itself conclusive proof that at no stage did it ever consider the issue to fall within the

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domestic jurisdiction of either India or Pakistan. Neither argument has any foundation in fact.

3. There is not a single provision in the Security Council resolution of 17 January 1948, or the United Nations Commission's resolutions of 13 August 1948 [*S/1104, para. 75*] and 5 January 1949 [*S/1196, para. 15*]—the basic resolutions on this matter which India and Pakistan both have accepted—which gives Pakistan any *locus standi* in Jammu and Kashmir. Furthermore, Sir Owen Dixon, United Nations representative for India and Pakistan, stated that the Pakistan invasion of Jammu and Kashmir is inconsistent with international law. It is a matter of the highest importance that neither the United Nations Commission for India and Pakistan nor the Security Council—nor indeed any of the three resolutions—has at any time questioned the legality of Jammu and Kashmir's accession to India, or the lawful presence of Indian troops in Jammu and Kashmir, which is Indian territory. On the other hand, the resolutions require India to keep sufficient troops in Jammu and Kashmir for its security, including the observance of law and order.

4. The acting permanent representative of Pakistan has torn out of their context extracts from certain statements made by the Prime Minister of India and telegrams which he sent to the Prime Minister of Pakistan. He has withheld mentioning the crucial fact which the Prime Minister of India has emphasized time and again, namely that the problem has been created and bedevilled by Pakistan's aggression, which continues to this day, and without the ending of which it is futile to look for a lasting solution. One extract from a speech made by the Prime Minister of India in Parliament on 7 August 1952 from which the Pakistan representative has chosen to give four extracts [*S/4092, annex*] will show the danger of quoting passages out context:

> ". . . All this is much more than can be said for Pakistan in this matter, because the entire Kashmir business is based on a fundamental lie—the lie Pakistan has told in denying that she invaded Kashmir. . . . The armies of Pakistan were in Kashmir for six months and then they denied the whole

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thing. When you base a case on a lie, the lie, has to be repeated; and it was repeated in the Security Council month after month. Their armies were still in Kashmir and their Foreign Minister went on saying that they were not there. That was an astonishing thing. When the United Nations Commission was here and was on the point of going to the front and when there was no possibility of concealing this fact any longer, they admitted it. . ."

5. As for fundamental human rights and the dignity and worth of the human person, which are emphasized towards the end of the letter from the acting permanent representative of Pakistan, the following press comments in Pakistan are a sorry commentary on the actual state of affairs in that part of Jammu and Kashmir which Pakistan has seized by force:

"The decisions for the formation of all Governments installed in *Azad* Kashmir during the last ten years were taken in Karachi. The were all undemocratic and were forced upon the masses from Karachi. These Governments were against the claims of Pakistan that she wanted to achieve the right of self-determination for the Kashmiris."

(*Insaf*, 14 December 1957)

"The way democracy has been trampled under foot for ten years in the area called *Azad* Kashmir has tarnished Pakistan's reputation, and *Azad* Kashmir is an area over which India has no control. India has never placed hurdles in democratizing the administration in this region, in forming a popular Government, and in enabling the people to exercise their right of self-determination. . . . All this could be done by Pakistan".

(*Awaz-E-Haq*, April 1958)

6. In regard to the subsequent letter from the acting permanent representative of Pakistan, dated 10 September 1958 [*S/4095*], I wish simply to draw attention to my letter dated 15 August 1958 [*S/4086*] in which I have stated that the Government of India did not think it proper or dignified that the Security Council should be burdened with baseless and tendentious communications.

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7. I request that this latter be circulated to the members of the Security Council as a Security Council document.

(*Signed*) Arthur S. LALL
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of India
to the United Nations

(Source: UN Document No. S/4107.)

8. Letter Dated 9 September, 1959 from the Acting Permanent Representative of Pakistan A. Shahi Addressed to the President of the Security Council

Under the direction of my Government, I have the honour to bring to Your Excellency's notice and to the notice of the Security Council the contemplated move of the Government of India to extend the jurisdiction of the Supreme Court and the Election Commission of India to the Indian-occupied part of Jammu and Kashmir State. To facilitate this action, the so-called Executive Committee of the puppet National Conference of Occupied Kashmir has demanded the extension of the jurisdiction of the Election Commission and the application of Article 136 of the Indian Constitution to the State. An extract to this effect from the "Times of India", Delhi, dated 22 April 1959, is reproduced below:

> "Two important events have taken place in the past few days to bring Kashmir closer to the rest of India.
>
> The permit system for travel between Kashmir and other parts of the country, enforced 12 years ago, was abolished. And the Executive Committee of the ruling National Conference has demanded that Kashmir should be brought under the jurisdiction of the Election Commission of India.
>
> It also suggested that Article 136 of the Indian Constitution, relating to the granting of special leave to appeal to the Supreme Court against the order of judgement of any court of tribunal in the State, should be made applicable to Kashmir".

Yet another move in the same direction is that the Indian Parliament has introduced a bill extending application of the

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Indian Census Act, 1948, to the State of Jammu and Kashmir so as to facilitate the holding of census in that area in 1961 along with the rest of India.

In my letter dated 28 March 1958, reproduced as Security Council document No. S/3981, I had drawn the attention of the Security Council to (a) the integration of the State's services with the rest of India, and (b) the extension of the jurisdiction of the Comptroller and Auditor General of India to the State's Executive. The present move on the part of India is a link in the same chain, aimed at the systematic and full integration of the State with India.

The Government of Pakistan wishes to place on record the fact that action of this nature on the part of India constitutes a contravention of the basic principles of the decisions of the Security Council, particularly those contained in its resolutions of 30 March 1951 and 24 January 1957, which lay down that the final disposition of the State of Jammu and Kashmir shall be made through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. Until the question of the accession of the State either to India or Pakistan, which is still pending before the Security Council, is finally decided, the Government of India cannot introduce any measure calculated to perpetuate its hold on the State and make difficult the free choice of the people of Jammu and Kashmir.

My Government, being a party to the dispute, considers that it is its duty to apprise the Security Council of these arbitrary steps being taken by India in defiance of the Security Council's resolutions calling for the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and asking the parties to refrain from any action likely to prejudice a just and peaceful settlement.

My Government reserves to itself the right to ask for further action by the Security Council in regard to this matter later.

It is requested that this communication may kindly be

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brought to the notice of the members of the Security Council.

Please accept, etc.

(*Signed*) A. SHAHI
Acting Permanent Representative of Pakistan to the United Nations

(Source: UN Document no. S/4217).

9. Letter Dated 12 November, 1959 from the Permanent Represintative of India C.S. Jha Addressed to the President of the Security Council

I have been instructed by the Government of India to invite Your Excellency's attention to the following report which has appeared in the Pakistan press and has not been contradicted by the Government of Pakistan.

"AZAD KASHMIR GOVERMENT TO SELL STATE PROPERTY IN WEST PAKISTAN

(From Our Lahore Correspondent)

October 10: The Azad Kashmir Government has decided to sell by open auction all property belonging to Jammu and Kashmir State in different parts of West Pakistan. The property includes both residential buildings and agricultural land. Its value is estimated at more than rupees two crores (Rupees twenty million)". (Words in brackets added).

(Morning News, Dacca; 12 October 1959)

As Your Excellency and the members of the Council are aware, the Government of Jammu and Kashmir, which is a constituent State of the Indian Union, is the only lawful Government of the State. This was clearly stated by the United Nations Commission for India and Pakistan both in its resolutions of 13 August 1948, and 5 January 1949, which India and Pakistan accepted, and in the assurances which it gave to the Prime Minister of India on behalf of the Security Council. The following quotation from paragraph 69 of the First Interim Report of the Commission will make it clear that the United

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Nations Commission categorically refused to recognize the so-called Government of Azad Kashmir:

> "During the 29th meeting, held on 5 August, the Commission discussed the (Pakistan) Foreign Minister's statement and agreed that it should avoid any action which might be interpreted as signifying de factor or de jure recognition of the 'Azad Kashmir Government". (Words in brackets added).

As a matter of fact, the then Pakistan Foreign Minister, Sir. Mohd. Zafrullah Khan, solemnly assured the Commission that even the Government of Pakistan had "not granted legal recognition to the Azad "Government" in view of the implications which might ensue" (S/1100, paragraph 132).

Neither the Government of Pakistan nor the so-called Azad Kashmir Government, have any legal right to sell these properties of the Government of Jammu and Kashmir which are valued at rupees five crores (Rupees fifty million) The proposed sale, if persisted in, will be an unlawful and fraudulent transaction in violation of the Security Council resolution of 17 January 1948, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949.

It is requested that this communication may kindly be brought to the notice of the members of the Security Council.

Please accept, etc.

(*Signed*) S. C. JHA
Ambassador Extraoadinary and Plenipotentiary
Permanent Representative of India to the
United Nations

(Source: UN Document no. S/4238)

10. Letter Dated 3 December 1959 from the Permanent Representative of Pakistan Aly Khan Addressed to the President of the Security Council

Under instructions from my Government, I have the honour to draw the attention of the Security Council to reports, widely

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published in the international Press, of recent events in the eastern part of the province of Ladakh of the State of Jammu and Kashmir.

For reasons which are evident and need no explanation, my Government is not in a position to ascertain the veracity of these reports or to determine the actual extent of the encroachment, if any, by a foreign Power into the area in question which is an integral part of the Jammu and Kashmir State. It follows that my Government is not able to endorse, or comment upon, the reasons for action and for counter-action taken by either side in the controversy between India and China and in the confusion which has been attendant upon the the events in Ladakh.

Nevertheless, consistently with its commitments to the United Nations and its stake and involvement in the problem of Jammu and Kashmir, my Government is anxious that the present situation, arising from the events in Ladakh, should not be allowed to obscure, far less to affect or detract from, the decisions of the Security Council, embodied in its resolutions of 21 April 1948, 30 March 1951, 24 January 1957, and in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, which have been jointly accepted by both India and Pakistan and by which both Governments, according to their continued declarations, stand engaged. The substance of these decisions is that the final disposition of the State of Jammu and Kashmir shall be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations and that, to enable such a plebiscite being held, all outside forces shall not only not be be augmented but be withdrawn from the State.

It is the most logical consequence of this position that, pending the implementation of these decisions of the Security Council and the resultant final disposition of the State, the situation in the Jammu and Kashmir State continue to be a matter with which the Security Council has to remain closely and intimately concerned. The preservation of the international frontiers of the State of Jammu and Kashmir is, therefore, a

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matter which falls directly within the primary responsibilities of the Security Council and no Government can take any action with regard to these frontiers save in consonance with the decisions of the Security Council.

For reasons implied in paragraph 2 above, my Government would leave it to the Security Council to judge the precise extent to which the present situation along the border between Ladakh and China impinges upon the responsibilities of the Council. However, my Government is bound by its duty to declare before the Security Council that, pending a determination of the future of Kashmir through the will of the people impartially ascertained, no positions taken or adjustments made by either of the parties to the present controversy between India and China, or any similar controversy in the future, shall be valid or affect the status of the territory of Jammu and Kashmir or the imperatives of the demilitarization and self-determination of the State laid down in the resolution referred to in paragraph 3 above.

My Government regards it as a matter of self-evident principle that it is for the sovereign authority freely evolved by, and acceptable to, the people of Jammu and Kashmir, and for that authority alone, to effect, or refuse to effect, may adjustment of its frontiers with any foreign Power and that the emergence of such an authority shall not be allowed to be impeded by any necessity, supposed or real, of military defence felt at present by any party within the territory of Jammu and Kashmir.

I request that this communication may kindly be circulated as a Security Council document and brought to the notice of the members of the Security Council.

Please accept, etc. . . .

(*Signed*) PRINCE ALY KHAN
Ambassador Extraodinary and Plenipotentiary
Permanent Representative of Pakistan to the
United Nations

(Source: UN Document no. S/4242)

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11. Letter Dated 22 December 1959 from the Permanent Representatve of India C. S. Jha Addessed to the President of the Security Council

I have the honour to refer to the letter dated 3 December 1959 (S/4242) from the Permanent Representative of Pakistan to the United Nations to the President of the Security Council on recent developments in Ladakh and to state that the Government of India fail to understand why the Permanent Representative of Pakistan chose to send this misleading letter, which is full of factual inaccuracies, at this juncture. It appears to the Government of India that this letter could have been sent only with one objective, namely to put pressure on India and aggravate the situation caused by Chinese incursions into the Indian Union territory of Ladakh.

The question that has been under the consideration of the Security Council since January 1948 is the resolving of the situation created by Pakistan aggression on the Indian Union territory of Jammu and Kashmir. The Council found that the Government of Pakistan, despite their earlier denials, were involved in this situation firstly because they aided and assisted the raiders from Pakistan territory and secondly because they sent their regular armed forces into the State violating Indian territory and the resolution of the Security Council dated 17 January, 1948 which both Pakistan and India had accepted. It was because of this background of developments in the situation under consideration of the Council that the United Nations Commission for India and Pakistan formulated the resolution of 13 August 1949 and the supplementary resolution of 5 January 1949, to resolve the situation that had developed. They, therefore, made a provision in the resolution of 13 August 1948 for the vacation of Pakistan aggression in the following clear terms:

> "As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the

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Government of Pakistan agrees to withdraw its troops from that State".

The Government of Pakistan made this commitment to vacate their aggression eleven years ago. The Pakistan aggression, however, still continues and the representative of the aggressor now puts forward other fantastic claims.

In his attempt to mislead the Council, the Permanent Representative of Pakistan has stated in his letter that the recommendations (which he refers to as "decisions") of the Security Council and of the UNCIP provide that all outside forces shall be withdrawn from Jammu and Kashmir. As mentioned in the preceding paragraph, the UNCIP resolution of 13 August 1948 does specifically provide for complete withdrawal of Pakistan armed forces from the Indian Union territory of Jammu and Kashmir. The same resolution, however, lays down that the Indian Government will maintain within the lines existing at the moment of cease-fire the minimum strength of its forces considered necessary for the observance of law and order. It is thus clear that the Pakistan forces have to be withdrawn *in toto* from Jammu and Kashmir and the the Government of India are entitled to maintain their armed forces for the observance of law and order. The Commission had specifically assured the Indian Prime Minister that "law and order" includes adequate defence.

The Permanent Representative of Pakistan has made a further attempt in his letter to mislead the Council by making the suggestion that a sovereign authority to look after the security of Jammu and Kashmir has still to be evolved and that the responsibility for the security of the State has been assumed by the Security Council. A reference to the Security Council resolution of 17 January 1948, the two UNCIP resolutions of 13 August 1948 and 5 January 1949, and the assurances given by the United Nations Commission on behalf of the Security Council to the Prime Minister of India, would show conclusively that the proposals made by the UNCIP and the Security Council to resolve the situation created by Pakistan aggression in Jammu and Kashmir were based on the sovereignty of the Jammu and Kashmir Government over the entire territory

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of Jammu and Kashmir and on the responsibility of the Union of India for its defence including maintenance of law and order.

While doing their best to resolve, by peaceful means, the situation created by Chinese incursions into the Indian Union territory of Ladakh, the Government of India will, in pursuance of their inherent right of self-defence, take all such measures as may be necessary against any violation of their territory. The regrettable fact that the situation created by an earlier aggression on the Indian Union territory of Jammu and Kashmir has still not been resolved due to the intransigence of the Government of Pakistan does not, in any way, detract from the inherent right of the Government of India to take all such measures as they consider necessary to resolve the situation created by aggression from another quarter.

It is requested that this communication may be brought to the notice of the members of the Security Council.

Please accept, etc.

(*Signed*) C. S. JHA

Ambassador Extraordinary and Plenipotentiary
Permanent Representative of India to the
United Nations

(Source: UN Document no. S/4249)

12. Letter dated 28 December 1967 from the representative of Pakistan A. Shahi to the President of the Security Council concerning the India-Pakistan question

I am instructed by my Government to draw the attention of the Security Council to the additional measures that the Government of India has recently taken to suppress the demand of the people of Jammu and Kashmir for the exercise of their right of self-determination as pledged to the them in the resolutions of the United Nations Security Council and of the United Nations Commission for India and Pakistan.

These measures are exemplified by the recent adoption of a Bill, known as. The Prevention of Unlawful Activities Bill (1967), by the Indian Parliament. The adoption of this Bill

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was reported in *The New York Times* of 21 December 1967, in a dispatch from its special correspondent in New Delhi, excerpts from which are reproduced below:

> "The Indian Parliament passed a bill today giving the Government sweeping powers to outlaw organizations or imprison individuals found guilty of questioning the country's sovereignty over any of the territory it claims.
>
> "But the immediate purpose of the bill will be to curb any agitation for a change in the status of Kashmir by Sheik Mohammed Abdulla, the Kashmiri Muslim leader."

In so far as this legislation relates to the territory of the Union of India, my Government has no desire to make any comment on it. But in so far as it is sought to be extended to the territory of Jammu and Kashmir occupied by India, it represents yet another act by the Government of India to make a peaceful settlement of the Jammu and Kashmir dispute more difficult. It is, therefore, the duty of my Government to bring the matter to the attention of the Security Council as it is bound to lead to serious consequences for which the Government of India alone will be responsible.

In this connexion, my Government considers it necessary also to bring to the attention of the Security Council certain pertinent facts.

The situation in Indian-occupied Jammu and Kashmir has been deteriorating seriously, especially since September 1967. The people of the occupied territory have been subjected to a renewed campaign of oppression and victimization. The head of Jan Sangh (a major political party in India), Mr. Balraj Madhok, in a speech in Srinager recently stated that the Muslims of the territory, who did not accept Jammu and Kashmir as a part of India, should migrate to Pakistan. In view of the fact that similar threats have been held out from time to time by other influential Indian leaders, Mr. Madhok's statement cannot be dismissed as the irresponsible utterance of an extremist. The refusal by the Indian Government to permit the return on their homes of the tens of thousands of Jammu and Kashmir nationals who were forced to seek refuge

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in Azad Kashmir or in Pakistan during the war of 1965 and its aftermath, lends an ominous significance to such threats.

The adoption by the Indian Parliament of the Bill which, as the report of *The New York Times* makes clear, is designed to curb the movement in Jammu and Kashmir for self-determination in accordance with the resolutions adopted by the United Nations, creates an extraordinary international situation.

Part III of the resolution of 13 August 1948 of the United Nations Commission for India and Pakistan reads:

> "The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured."

Paragraph 1 of the supplementary resolution of 5 January 1949 of the United Nations Commission for India and Pakistan reads:

> "The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite."

These resolutions were accepted by both India and Pakistan and constitute an international agreement in regard to the disposition of the State of Jammu and Kashmir.

As such, the agreement takes precedence over any provision of domestic law, constitutional or other, of the parties involved. To prevent its fulfilment is, therefore, a serious violation on the part of India of its undertaking to fulfil in good faith its obligations under the Charter of the United Nations. The matter becomes much graver when India compounds the breach of its international commitment by adopting punitive legislation against the people of Jammu and Kashmir for demanding that the international agreement between India and

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Pakistan, under the aegis of the United Nations, recognizing their right of self-determination, be implemented.

In conclusion it must be mentioned that the Government of Pakistan has proposed negotiations to achieve a just and honourable settlement of the dispute concerning the disposition of Jammu and Kashmir. Until such negotiations are held and come to fruition, the minimum requirement is that both parties refrain from and act which aggravates the situation.

My Government deeply regrets that, by intensifying the suppression of the people of Jammu and Kashmir, the Government of India is preventing the promotion of a propitious climate for negotiations between the two countries for a settlement of the Jammu and Kashmir dispute.

I shall be grateful if this letter is circulated as a Security Council document

(*Signed*) A. SHAHI
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document No. S/8315/Rev)

13. Letter dated 10 January 1968 from the representative of India G. Parthasarthi to the President of the Security Council

Under instructions from my Government, I have the honour to draw your attention to the letters dated 27 April 1967 [S/7862] and 28 December 1967 [S/8315 Rev. 1] from the Permanent Representative of Pakistan to the United Nations and to say that they fall into the usual pattern of propagandist communications to the Security Council from the delegation of Pakistan, making false and unwarranted allegations which amount to gross interference in the internal affairs of India. Matters pertaining to the domestic jurisdiction of India are no concern of Pakistan and the Government of India are not prepared to engage in any discussion or exchanges thereon.

As to the outstanding issues between the two countries, the Government of India are ready to start talks for resolving

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them by peaceful means a spirit of good-neighbourliness. This policy of the Government of India has been reiterated on several occasions in the United Nations and outside.

I should be grateful if this letter is circulated as a Security Coucil document.

(*Signed*) G. PARTHASARATHI
Permanent Representative of India to the United Nations

(Source: UN Document No. 8333).

14. Letter dated 7 February 1968 from the representative of Pakistan A. Shahi to the President of the Security Council

I have the honour to refer to the letter dated 10 January 1968 [S/8333] from the Permanent Representative of India to the United Nations and to state that it is regrettable that instead of replying to the point raised in my letters, the Permanent Representative of India has chosen to describe them as "propagandist" and taken cover under the plea of domestic jurisdiction. The facts stated in my letters are based on the unimpeachable evidence of impartial observers and were reported not only in the World Press but also in Indian newspapers. I have only to add that the Indian Permanent Representative reply takes the familiar line of anyone who cannot refute incontrovertible facts.

My Government notes the Government of India's offer to start talks on all outstanding disputes but cannot understand their refusal to engage in discussions and exchanges on the dispute concerning Jammu and Kashmir. If the Government of India's offer of nogotiations, reiterated in their Permanent Representative's letter, is to be treated as genuine, then it is imperative that India abandon the claim of domestic jurisdiction in respect of acts which are designed to preclude a just and honourable settlement and which have so far served only to exacerbate tension and prevent negotiations.

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I should be grateful if this letter were circulated as an official document of the Security Council.

(*Signed*) A SHAHI
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document No. S/8388).

15. Letter dated 12 March 1968 from the representative of India G. Parathasarthi to the President of the Security Council

I have the honour to refer to the letter dated 7 February 1968 [S/8388], from the Permanent Representative of Pakistan to the United Nations. In this he not only misrepresents India's stand on India-Pakistan talks, but insists that India abandon its jurisdiction in one of its constituent States as a pre-condition to India-Pakistan talks. This is not the first time that a Pakistani representative has made such allegations and demands. It would suffice here to quote what the Foreign Minister of India, replying to the Foreign Minister of Pakistan, told the United Nations General Assembly on 29 September 1966:

> "The fact that India is prepared to discuss all differences with Pakistan in accordance with the letter and spirit of the Tashkent Declaration and to settle those differences by peaceful means in a spirit of good neighbourly relations does not mean and cannot mean that India must give up its stand in regard to the status of the Indian State of Jammu and Kashmir.
>
> "If each side were to insist on pre-conditions, would we not be entitled to say to Pakistan that it must first not only give up its point of view on Kashmir, put also, as a prior condition for talks, vacate two-fifths of the Indian territory in Jammu and Kashmir that it illegally occupied, and still occupies?"

India's position is clear. We are prepared to discuss and settle all our differences with Pakistan in a spirit of good-neighbourliness, without insisting on any pre-conditions. We

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hope Pakistan will adopt a similar cooperative and realistic approach.

I shall be grateful if this letter is circulated as a Security Council document.

(*Signed*) GOPALASWAMI PARTHASARATHI
Permanent Representative of India
to the United Nations

(Source: UN Document No. S/8456).

16. Letter dated 2 July 1968 from the representative of Pakistan A. Shahi to the President of the Security Council

Under instructions from the Government of Pakistan, I have the honour to refer to the letter dated 12 March 1968 [S/8456], from the Permanent Representative of India to the United Nations. I regret that the Permanent Representative of India has failed to appreciate the point made in my communication dated 7 February 1968 [S/8388] that:

> "If the Government of India's offer of negotiations . . . is to be treated as genuine, then it is imperative that India abandon the claim of domestic jurisdiction in respect of acts which are designed to preclude a just and honourable settlement and which have so far served only to exacerbate tension and prevent negotiations."

This is in accord with the incontestable principle that, on matters affecting international peace and security, and connected with a situation which has been, and is, on the agenda of the Security Council, the plea of domestic jurisdiction is untenable. To say, as the Permanent Representative of India does, that this amounts to insistence on India abandoning its jurisdiction in one of its constituent States, as a pre-condition to talks, is an obvioas misinterpretation.

The State of Jammu and Kashmir is not a constituent State of India. It is a territory whose status is in dispute. The framework for a solution of this dispute is embodied in the resolutions of the United Nations Commission for India and Pakistan

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adopted on 13 August 1948 and 5 January 1949 and accepted by both Governments. They constitute the international agreement on the question which cannot be unilaterally repudiated.

Pakistan has accepted all the proposals made by the Security Council for the implementation of this agreement. It has further agreed to arbitration on questions where differences arose with regard to the withdrawal of the troops of both parties. India has rejected all these proposals as well as the offer of arbitration.

My Government urges nothing more than that this attitude of blocking a just and honourable settlement, and even of denying the very existence of the dispute, be abandoned if the two countries have to progress towards establishing relations based on mutual respect and good-neighbourliness. It asks for nothing more than a genuinely co-operative and realistic approach from the Government of India.

I would be grateful if this letter is circulated as a Security Council document.

(*Signed*) A. SHAHI
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document No. S/8670).

17. Letter dated 25 July 1968 from the representative of Pakistsn A. Shahi to the President of the Security Council

Under instructions from the Government of Pakistan, I have the honour to draw the attention of the Security Council to two measures recently taken by the Government of India with the aim of further consolidating its occupation of a large area of the State of Jammu and Kashmir, thereby aggravating the sitnation in the State and hampering an improvement of relations between Pakistan and India.

These measures consist of government-sponsored legislation reported to have been adopted by the Indian Legislature on 20

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March and 9 May 1968—the former measure seeks to confer jurisdiction on the Supreme Court of India to hear appeals against decisions of the Jammu and Kashmir High Court in respect of election petitions and the latter aims at authorizing the extension of a number of laws of the Indian Union to the State of Jammu and Kashmir—including the Companies Act, the Essential Commodities Act, the Road Transport Corporation Act, the Official Trustees Act, the Transfer of Prisoners Act, the Mines Act as well as some provisions of the Motor Vehicles Act.

The Government of Pakistan has consistently brought to the attention of the Security Council the measures taken by the Government of India over the years, patently designed to consolidate India's hold over the occupied area of the Jammu and Kashmir State, to integrate it with the administrative structure of the Indian Union, to demoralize its people and to interpose obstacles to a just and honourable settlement of the dispute concerning the State of Jammu and Kashmir. In this connexion the Council will recall, *inter alia*, the letters from the representative of Pakistan addressed to the President of the Security Council contained in documents S/3860 of 6 August 1957, S/3981 of 28 March 1958, S/4217 of 9 September 1959, S/5437 of 9 October 1963, S/5504 of 3 January 1964, S/5517 of 20 January 1964, S/5657 of 15 April 1964, S/7483 of 6 September 1966 and S/8315/Rev. 1 of 29 December 1967, as well as statements made by Pakistan in the Security Council from time to time.

The latest measures form another link in the chain of attempts by India to obliterate the special status of the State of Jammu and Kashmir and gradually to bring about a *fait accompli* diametrically opposed to the solemn agreement contained in the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 jointly accepted by India and Pakistan which provided for the disposition of the State of Jammu and Kashmir in accordance with the freely ascertained wishes of its people, and to the principle embodied in Security Council resolutions 91 (1951) of 30 March 1951 and 122 (1957) of 24 January 1957. It is acts of

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this nature which foment tension between India and Pakistan and which, as borne out by experience, have led to conditions of hostility between the two countries.

My Government deplores India's persistence in these acts and has again urged the Government of India to desist therefrom.

I would be grateful if this letter is circulated as a Security Council document.

(*Signed*) A. SHAHI
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document No. S/8692).

18. Letter dated 11 April 1969 from the representative of Pakistan M. Yunus to the President of the Security Council

I am instructed by the Government of Pakistan to draw the attention of the Security Council to certain measures being taken by the Government of India, either directly or through its agents in the State of Jammu and Kashmir, which are causing strong resentment among the people of the Indian-occupied area of the State and the people of Pakstan, threatening to aggravate an already serious situation.

On 14 March 1969, the Minister of Home Affairs of the Government of India introduced a Bill in the Indian Parliament. entitled, "The Unlawful Activities (Prevention) Amendment Bill, 1969." The Statement of Objects and Reasons of the Bill says that "it is now proposed to re-enact sub-section (2) of section 1 of the Act" (the Unlawful Activities (Prevention) Act, 1967) "to put the application of the law to Jammu and Kashmir beyond doubt."

It will be recalled that when this Act was passed by the Indian Parliament in December 1967, the Permanent Representative of Pakistan to the United Nations in his letter dated 28 December 1967 [*S/8315/Rev./11*] brought it to the notice of the Security Council, warning that the measure "is bound to lead

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to serious consequences for which the Government of India alone will be responsible." Pakistan's apprehensions regarding this so-called law have now been confirmed by the proposed amendment, which seeks to make it specifically applicable to Jammu and Kashmir. The measure is evidently designed to lower the morale of the people of Kashmir and to suppress their demand for their right of self-determination. Such acts of coercion cannot but exert a baleful influence on the atmosphere in the State and, as a result, worsen relations between Pakistan and India.

Another equally pernicious measure being taken by the Government of India is the introduction, through the Indian-sponsored administration of the Indian-occupied area of Jammu and Kashmir, of legislation which would confer on non-Muslims proprietary rights over property left behind by Muslim citizens of the State of Jammu and Kashmir who were forced to leave their homes or were pushed across the cease-fire line during the events of 1947-1948 and 1965.

The significance of this proposed legislation is clear from a statement made by Sheikh Abdullah, the Kashmir leader, as reported in the *Indian Express*, Delhi, of 16 March 1969. Excerpts from this report are reproduced below:

> "Addressing a protest day meeting organized by the Plebiscite Front at Mujahid Manzil, the Sheikh stressed the peaceful nature of the protest, adding that if Mr. G.M. Sadiq, the Chief Minister, went ahead with the legislation (conferring proprietary rights on evacuee lands to refugees) 'we will tell you (the people) what to do' . . .
>
> "The danger in the legislation was that it might turn the Muslim majority into a minority. 'This is a clear death signal for the Muslims', the Sheikh added. . . .
>
> "He warned 'India and its agents here' that if the legislation was passed, a topsyturvy situation would arise and it would be difficult to control it. He said that he was speaking with a full sense of responsibility and after 'thorough deliberation'. . . .
>
> "He said that Mr. Sadiq was adopting a wrong method,

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Lakhs (hundreds of thousands) of Muslims wanted to return to their homes but Mr. Sadiq wanted to transfer their properties to others. The Kashmir problem could not be solved by taking away the Muslim property through the back door."

The Government of Pakistan firmly maintains that both these measures would constitute serious violations of the international agreement embodied in the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and also of various Security Council resolutions.

Part II, section B, paragraph 3 of the Commission's resolution of 13 August 1948 states:

"The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed."

Further, paragraph 7 of the Commission's resolution of 5 January 1949 provides that "all authorities within the State of Jammu and Kashmir will undertake to ensure . . . [that] there shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exist."

The resolution of the Security Council of 21 April 1948 [*47 (1948)*] contains a similar provision and, in paragraph 14, states:

"The Government of India should ensure that the Government of the State releases all political prisoners and takes all possible steps so that:

"(*a*) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to exercise their rights as such citizens;

"(*b*) There is no victimization;

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"(*c*) Minorities in all parts of the State are accorded adequate protection."

It is thus the unquestioned obligation of the Government of India to invite citizens of the State who have left the Indian-occupied area to return to their homes and also to guarantee all human and political rights of the people of the State. Far from doing so, the Government of India is now seeking to deprive such citizens of their property and is taking steps to make any voicing of the demand for self-determination an offence liable to heavy-punishment.

In addition to constituting violations of the obligations, of India under United Nations resolutions and the provisions of the United Nations Charter, the two measures cannot but prevent the creation of an atmosphere favourable to the promotion of negotiations for a peaceful settlement of the dispute concerning the State of Jammu and Kashmir.

The Security Council has consistenly appealed to the parties to the dispute to refrain from any action likely to prejudice a just and peaceful settlement. The Government of Pakistan deeply regrets that India is persistently ignoring this appeal and is taking measures which are bound to make a settlement of the dispute more difficult.

I shall be grateful if this letter is circulated as an official document of the Security Council.

(*Signed*) Mohammed Yunus
Acting Permanent Representative of Pakistan to the United Nations

(Source: UN Document no. S/9151).

19. Letter dated 2 June 1969 from the representative of India S. Sen to the President of the Security Council

Under instructions from the Government of India, I have the honour to refer to the letters dated 2 July 1968 [*S/8670*] and 25 July 1968 [*S/8692*] from the Permanent Representative of Pakistan to the United Nations and the letter dated 11 April 1969 [*S/9151*] from the Acting Permanent Representative of

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Pakistan to the United Nations. The subject matters of the letter dated 25 July 1968 and 11 April 1969 were also raised by the Government of Pakistan with the Government of India in notes dated 20 July 1968 and 2 April 1969 respectively, to which my Government has alread replied. I attach a copy of each of our notes to Pakistan, which are self-explanatory.

As far as the letter dated 2 July 1968 is concerned, the fact that India is prepared to discuss all differences with Pakistan in accordance with the letter and spirit of the Tashkent Declaration and to settle these differences by peaceful means does not and cannot mean that the Government of India cannot take the measures necessary for proper Government in Kashmir or that the status of the Indian States of Jammu and Kashmir can be brought into question. I would wish to reiterate that the issue before the Security Council is Pakistan's aggression and continuing illegal occupation by force of Indian territory in Kashmir and the situation arising therefrom. It is an incontestable principle that aggression cannot give any right to the aggressor over areas under its illegal occupation and Pakistan cannot be unaware of this.

I should be grateful if this letter, with its enclosures, could be circulated as a Security Council document.

(*Signed*) S. SEN
Permanent Representative of India
to the United Nations

(Source: UN Document no. S/9231).

ANNEX

TEXT OF NOTE NO. ISL (POL) 103/1/68 DATED 24 AUGUST 1968 FROM THE HIGH COMMISSION OF INDIA, ISLAMABAD, TO THE MINISTRY OF FOREIGN AFFAIRS, GOVERNMENT OF PAKISTAN ISLAMABAD

The High Commission of India in Pakistan presents its compliments to the Ministry of Foreign Affairs of the Government of Pakistan, and has the honour to refer to the letter's note No. IN(4)-6/4/67 dated 20 July 1968, regarding the

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Jammu and Kashmir Representation of the People (Supplementary) Act, 1968.

The baseless allegations made in the note have been repeatedly exposed in the past by the Government of India and its representatives in the Security Council of the United Nations. The State of Jammu and Kashmir acceded to India in 1947 and is Indian Union Territory. Any changes contemplated in the relations between the States and the Central Government would be in conformity with the law and Constitution of India and, therefore, a matter for India alone to decide. The note under reference is, in the circumstances, an unwarranted interference in the domestic affairs of India, and the High Commission has been instructed by the Government of India to reject the same.

TEXT OF NOTE NO. P.V. 104/29/69 DATED 8 MAY 1969 FROM THE MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF INDIA, NEW DELHI, TO THE HIGH COMMISSION OF PAKISTAN IN INDIA, NEW DELHI

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the hohour to refer to note No. IN (4) 6/1/69, dated 2 April 1969 from the Ministry of Foreign Affairs of the Government of Pakistan.

The High Commission is aware that the State of Jammu and Kashmir acceded to India in 1947 and is a part of India. Any changes, undertaken or contemplated either within the State or in relations between the State and the Central Government, are matters entirely for the Government of India and the Government of the State to decide.

The Government of India considers the note under reference as another attempt by the Government of Pakistan to interfere in India's internal affairs in furtherance of its ambitions on Indian territory and, therefore, rejects the same.

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20. Letter dated 23 December 1970 from the representative of Pakistan A. Shahi to the President of the Security Council

I am instructed by my Government to bring to the notice of the Security Council a note addressed by the Ministry of Foreign Affairs of the Government of Pakistan to the High Commission of India in Pakistan on 16 December 1970. The next of the note is enclosed.

It will be noted that this is a protest against yet another violation by the Government of India not only of its solemn agreement regarding future disposition of the State of Jammu and Kashmir to be determined by a plebiscite but also of its commitment to refrain from aggravating the situation and interposing obstacles to a peaceful settlement of the dispute concerning Jammu and Kashmir.

I shall be grateful if this letter is circulated as a document of the Security Council.

(*Signed*) A. SHAHI
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document no. 10059).

21. Letter dated 30 December 1970 from the representative of India S. Sen to the President of the Security Council

I have the honour to transmit the text of two notes dated 19 October and 19 December 1970, addressed to the Government of Pakistan in reply to that Government's notes of 29 August and 9 November 1970, respectively, and to request that it may be circulated as an official document of the Security Council.

(*Signed*) S. SEN
Permanent Representative of India
to the United Nations

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NOTE NO. PV/102/33/70, DATED 19 OCTOBER 1970, FROM THE MINISTRY OF EXTERNAL AFFAIRS OF INDIA TO THE HIGH COMMISSION OF PAKISTAN IN INDIA

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to refer to note No. IN(4)-6/6/70 dated 29 August 1970 from the Ministry of Foreign Affairs, Government of Pakistan.

Despite the fact that the State of Jammu and Kashmir is an integral part of India, Pakistan continues to remain in illegal occupation of about 32,500 square miles of the State, as a result of repeated aggression by Pakistan in the past. Hence, the only issue to be settled in Kashmir is the situation arising out of this illegal occupation by Pakistan. The Government of India is of the view that this situation can best be settled bilaterally and through peaceful means and has, on more than one occasion, expressed its willingness to discuss with Pakistan all issues between the two countries, including the situation created by Pakistan's illegal occupation of about 32,500 square miles of Indian territory in the State.

The Government of India is aware of the view of the Government of Pakistan that there cannot be any normalization or improvement of relations between the two countries unless Pakistan's demands in Kashmir are satisfied. It is the considered view of the Government of India, however, that, while all outstanding issues between to two countries should be discussed peacefully and bilaterally with a view to arriving at amicable solutions, the normalization of relations between the two countries would create conditions in which long outstanding questions could be seen and dealt with in a better perspective. The restoration of contacts and the development of co-operation between the people of the two countries would lead to a gradual improvement in the atmosphere and would be conducive to the solution of pending issues.

It may be mentioned that the issue before the Security Council of the United Nations is the continuous illegal and forcible occupation by Pakistan of a part of the Indian State of Jammu and Kashmir and the situation arising therefrom. It

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is an incontestable principle that aggression cannot give any right to the aggressor over areas under its illegal occupation. Hence, Pakistan cannot possibily have any pretensions to any *locus standi* in regard to matters concerning the State of Jammu and Kashmir.

NOTE NO. P(V) 102/33/70, DATED 19 DECEMBER 1970, FROM THE MINISTRY OF EXTERNAL AFFAIRS OF INDIA TO THE HIGH COMMISSION OF PAKISTAN IN INDIA

The Ministry of External Affairs presents its compliments to the High Commission of Pakistan in India and has the honour to refer to note No. IN (4) 6/6/70 dated 9 November 1970, from the Ministry of Foreign Affairs, Government of Pakistan.

The Government of Pakistan is aware that the State of Jammu and Kashmir in its entirety became part of India as a result of its accession to India in 1947. This fact cannot be altered by misrepresentations by anyone.

There remains the question of Pakistan's illegal occupation of about 32,500 square miles of Indian territory in the State. The Government of India has expressed its readness to discuss this question and all other issues between the two countries peacefully and bilaterally and hopes that Pakistan will adopt a co-operative and realistic approach and peacefully end its illegal presence on Indian territory in Kashmir.

As has already been pointed out by the Government of India, the views and opinion of the Government of Pakistan in regard to the United Nations Commission to India and Pakistan resolutions of 1948 and 1949, are entirely without substance.

(Source: UN Document no. S/10066).

22. Letter dated 21 January 1971 from the representative of Pakistan A. Shahi to the President of the Security Council

I am instructed by the Government of Pakistan to bring to the notice of the Security Council the serious situation which has arisen in the State of Jammu and Kashmir, a territory

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whose status remains to be determined in accordance with the resolutions of the Security Council as well as the international agreement embodied in the resolutions of the United Nations Commission for India and Pakistan, jointly accepted by both the parties to the dispute.

This serious situation has been directly caused by the actions of the Government of India, taken on 8, 9 and 12 January 1971, in prohibiting entry into the State of Sheikh Mohammad Abdullah and other well known leaders of Kashmir, Mirza Afzal Beg and Mr. G. M. Shah, in banning the Plebiscite Front and in subsequently arresting a large number of political workers in the Indian-occupied area of the State. These actions have been taken with the objective of suppressing all political activity in the State and of preventing participation in Indian parliamentary elections of the representative organizations and personalites of the Indian-occupied area.

In this context, it needs to be borne in mind that it is a well-known and established principle of the jurisprudence of the United Nations that, in a territory whose people have not exercised their right of self-determination elections held under the control of the occupying or administering authority cannot be a substitute for a plebiscite or referendum held under impartial auspices. In regard to the specific question of Jammu and Kashmir, resolutions 91 (1951) and 122 (1957) of the Secrity Council have clearly laid down that "any action" which a constituent assembly convened by India "might attempt to take to determine the future shape and affiliation of the entire State or any part thereof . . . would not constitute a disposition of the State" consistent with the principle that "the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations."

In total disregard of this principle, however, it has been one of the main contentions of the Government of India that, by holding four elections in the Indian-occupied part of Jammu and Kashmir, India has fulfilled its obligation of ascertaining the wishes of the people of Jammu and Kashmir with regard to the accession of the State to India. This contention, of course,

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runs totally contrary to the fact that these elections were not allowed to be fought over the issue of that accession.

Apart from this inherent characteristic of the elections in Indian-occupied Jammu and Kashmir, the fact has been brought out by abundant impartial evidence that the elections held in 1952, 1957 and 1962 were rigged and consisted of nothing but fraudulent manipulations by the Government of India and its puppet regime in Kashmir. This evidence is on the records of the Security Council. As regards the elections which were held in 1967, I would invite reference to my letter of 27 April 1967 contained in document S/7862. Now, the Government of India has clearly shown by its latest actions that it is not prepared for the elections to be held this year to become a fair poll of popular opinion in the State. A leading Indian newspaper, the *Hindustan Times* of New Delhi, stated in its editorial of 11 January 1971 that, by imposing restrictions on the Plebiscite Front, the Government of India "will now be spared the familiar embarrassment of rigging the elections".

Another main contention advanced by India with regard to the Kashmir dispute as been the people of the Indian-occupied area have accepted the State's accession to India. Always removed from reality, this contention has now been further disproved by India's alleging in the official notification issued on 12 January that the members of the Plebiscite Front and its sympathizers had disclaimed or questioned India's sovereignty and territorial integrity by saying that Kashmir was not a part of India and that the question of its accession to India remained to be decided. In this and an accompanying notification, India has acknowledged that "violent activities were gathering momentum rapidly and would have become uncontrollable and have an adverse effect on the security of the State unless the activities of the Plebiscite Front are checked immediately and its influence among the youth and students is brought to an end." This admission of widespread agitation and discontent in the Indian-occupied territory is signal proof of the fact that India has been keeping the bulk of the State under forcible subjugation and that the people of the State are by no means reconciled to Indian occupation.

It may be pertinent here to quote reports of these actions

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of the Government of India published in the international press. *The Times* of London of 8 January 1971 in a dispatch from New Delhi dated 7 January stated:

> "Sheikh Abdullah and his Plebiscite Front Movement which is seeking self-determination for the Muslim majority in the northern state of Kashmir, have decided to contest the forthcoming mid-term parliamentary election.
>
> "The decision has alarmed the Central Government, which has refused to hold a plebiscite in the disputed territory for the past 20 years . . .
>
> "There can be no doubt that the Government would be in an embarrassing position, both at home and internationally, if the Shaikh's movement won the election with a large majority."

The New York Times of 10 January, carrying a New Delhi dispatch of 9 January, reported:

> "Apparently, New Delhi fears that if the front is allowed to contest the state elections it might gain control of the Kashmir Government."

An editorial of *The New York Times* of 13 January 1971 stated:

> "Mrs. Gandhi's admirable faith in the democratic process unfortunately seems to stop at the Kashmir border. The Kashmiri Government in Srinagar, backed by New Delhi, has barred Sheikh Abdullah, leader of Kashmir's Muslim majority, from the state and has arrested more than 500 workers of the Sheikh's political organization, the Plebiscite Front. The Front, which seeks self-determination for Kashmir, will be barred from contesting the election."

The Government of India has sought to justify these actions by insinuating that it is Pakistan which encourages agitation in Indian-occupied Kashmir. While the baselessness of an allegation of this type hardly needs to be exposed, it may be pertinent here to quote the editorial of the *Hindustan Times* of 11

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January which said that the notion that Pakistan is preparing to strike betrays a whole series of diplomatic, political and military assumptions that seem . . . removed from objective reality."

The notification issued by the Government of India on 12 January 1971 declaring the Plebiscite Front to be an "unlawfull association" gave the following as one of the grounds of such declaration:

> "[The Front,] has for its object a so-called settlement of the question of the accession of the State to India through a plebiscite and the said object. which amounts to an assertion of a claim to determine whether the State is, or will remain, a part of the territory of India, is an unlawful activity."

It is unquestionable that the object of the Front, as described in the notification, is identical with the object solemnly proclaimed by the Security Council in its resolutions on Jammu and Kashmir, by the United Nations Commission for India and Pakistan and by both the parties to the dispute when they declared their adherence to the letter's resolutions. In banning the pursuit of such an object, India declares the upholding of international law as unlawful and assumes a position totally incompatible with the obligations of its membership of the United Nations. On India's own showing, the Plebiscite Front seeks nothing more than that the pledge given to the people of Jammu and an impartial plebiscite should be held to determine the disposition of the State. Evidently, neither party to the dispute can prejudge the result of such a plebiscite. It is, therefore, clear that when India asserts that the demand for the plebiscite amounts to an attempt to bring about the "secession" of Jammu and Kashmir from India, it brings a charge not against those who articulate that demand but against itself for attempting to perpetuate an occupation which, it knows, is intolerable to the people of the State and will not withstand any fair ascertainment of their popular will.

The Government and the people of Pakistan view with serious concern the situation created by these actions and would

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wish the members of the Security Council to take cognizance of the fact that these actions aggravate tensions in the subcontinent of India and Pakistan and that the responsibility for the consequent deterioration of the relations between India and Pakistan will lie squarely on the Government of India.

I shall be grateful if this letter is circulated as a document of the Security Council.

(*Signed*) A. SHAHI

Permanent Representative of Pakistan to the United Nations

(Source: UN Document no. S/10084).

23. Letter dated 28 January 1971 from the representative of India S. Sen to the President of the Security Council

Under instructions from the Government of India, I have the honour to draw your attention to the letter dated 21 Janaury 1971 from the Permanent Representative of Pakistan to the United Nations [*S/10084*].

The State of Jammu and Kashmir became an integral part of India by virtue of its accession to India in 1947. All the arguments and issues raised by the representative of Pakistan in his letter concern matters which are entirely within the domestic jurisdiction of India and the Government of India has made it clear, both to Pakistan and to the Security Council, that it will not discuss such questions with any other country or in the United Nations.

The letter from the representative of Pakistan falls into the pattern of Pakistan Government's efforts to cloud the fact of its aggression in Jammu and Kashmir and to annex this Indian territory by force. Pakistan has twice committed aggression against India in pursuance of this policy and has also resorted to infiltration, subversion and other disruptionist activities against India at different times in spite of its

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commitment under the Tashkent Declaration not to do so. Recent events have once more brought to light that Pakistan was involved in directing sabotage, espionage and other activities in Jammu and Kashmir with a view to realizing its aggressive designs on Kashmir. The Government of India has taken and will continue to take measures against organizations and persons who seek to subvert the sovereignty and territorial integrity of India and I have particularly been instructed by my Government to make it clear that India cannot accept that Pakistan has any right whatsoever to question such action by my Government.

The outstending issue in Kashmir between India and Pakistan is concerning the question of Pakistan's illegal and forcible occupation of a part of this Indian state. The Government of India has expressed its readiness to discuss this question between the two countries peacefully and bilaterally and the Government of India hopes that Pakistan will adopt a co-operative and peaceful approach in regard to the outstanding Kashmir issue rather than interfere in India's internal affairs and thereby spoil Indo-Pakistan relations.

I should be grateful if you would kindly have the text of this communication circulated as a Security Council document.

(*Signed*) S. SEN
Permanent Representative of India
to the United Nations

(Source: UN Document No. S/10094)

24. Letter dated 2 February 1971 from the representative of India S. Sen to the President of the Security Council

I have the honour to forward herewith a copy of a note dated 8 January 1971, which the High Commission of India in Islamabad (Pakistan) has delivered to the Ministry of Foreign Affairs, Government of Pakistan, in reply to the Pakistan note circulated as a Security Council document

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[*S/10059*]. I request that the attached note be circulated also as an official doucment of the Security Council.

(*Signed*) S. SEN
Permanent Representative of India
to the United Nations

NOTE NO. ISL (POL) 103/2/71, DATED 8 JANUARY 1971, FROM THE HIGH COMMISSION OF INDIA IN ISLAMABAD TO THE MINISTRY OF FOREIGN AFFAIRS OF PAKISTAN

The High Commission for India and Pakistan presents its compliments to the Ministry of Foreign Affairs, Government of Pakistan, and has the honour to refer to their note No IN (4)-6/5/69 dated 16 December 1970.

The attention of the Government of Pakistan is drawn to the note given in India on 16 September 1969, regarding the Central Labour Laws (Extension to Jammu and Kashmir) Bill 1969. The note rejected the note of 3 September 1969 from the Ministry of Foreign Affairs, Government of Pakistan, on the same subject as it constituted an unwarraned interference in the internal affairs of India in furtherance of Pakistan's ambitions on Indian territory. The Government of India rejects the note under reference for the same reasons. It is a matter of regret that the hope expressed earlier about the Government of Pakistan desisting from such interference in future has been belied.

(Source: UN Document No. S/10100)

25. Letter dated 5 February 1971 from the representative of Pakistan A. Shahi to the President of the Security Council

Under instruction from the Government of Pakistan, I have the honour to draw your attention to the letter dated 28 January 1971 [*S/10094*] from the representative of India in answer to my letter of 21 January [*S/10084*],

The representative of India has sought to deny outright the jurisdiction of the United Nations in the international dispute

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concerning the status and disposition of the State of Jammu and Kashmir. Regarding the questions involved in this dispute and the situations arising from it, the Representative of India states that "the Government of India has made it clear, both to Pakistan and to the Security Council, that it will not discuss such questions with any other countries or in the United Nations."

The attempted denial of the jurisdiction of the United Nations, particularly of the Security Council, is based on the proposition that "the State of Jammu and Kashmir became an integral part of India by virtue of its accession to India in 1947". The irrationality of the argument, as stark as it is incredible, is apparent from the fact that it was *after* this alleged accession (effected by a feudal Maharajah) that the Government of India:

(*a*) Declared before the Security Council that it (the accession) was by no means to be considered as unalterable, that it was tentative and that the status of Jammu and Kashmir would finally be determined by a plebiscite to be couducted under international auspices;

(*b*) Acknowledged that Pakistan was one of the two parties interested in the Jammu and Kashmir question;

(*c*) Submitted itself to the jurisdiction of the Security Council in relation to the settlement of the problem of the disposition of Jammu and Kashmir;

(*d*) Signified its acceptance of the principles of settlement embodied in the resolutions adopted by the United Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949; and

(*e*) Participated in more than a hundred meetings of the Security Council convened solely for the purpose of discussing the problem concerning the State of Jammu and Kashmir—the India-Pakistan question—and how it could be resolved.

If the instrument of accession executed by a Maharajah

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who had forfeited his authority over the territory at the time of the execution had made Jammu and Kashmir an integral part of India, it is obvious that India would have taken the earliest opportunity to challenge the competence of the Security Council in making any pronouncement or taking any decision with regard to the disposition of the territory and, indeed, going beyond the principal subject matter of India's original complaint. If such challenge had been lawful, the question would not have been placed on the agenda of the Security Council. Certainly, India itself would not have made the memerous statements that its representatives solemnly made before the Security Council to the effect that it is agreeable to the detemination of the status of the territory through an impartial plebiscite conducted under the auspices of the United Nations. It is also clear that in that event the Security Council would not have adopted as many as twenty-two resolution and two statements of consensus on the subject.

The most recent substantive resolution of the Security Council on the question is resolution 211 (1965) adopted on 20 September 1965. Paragraph 4 of this resolution reads as follows:

> "*Decides* to consider, as soon as paragraph 1 of Council resolution 210 (1965) [of 6 September 1965] has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the peaceful means, including those listed in Article 33 of the Charter of the United Nations, to this end."

When the resolution was adopted, it was emphatically stated by the members of the Security Council that the Council had thus committed itself to help bring about a settlement of the problem underlying the conflict between India and Pakistan, i.e. the problem concerning the status of Jammu and Kashmir.

It will be recalled that, after the adoption of the resolution mentioned above, India refused to participate in meetings of the Security Council on the India-Pakistan question. The Council, bearing in mind its similar experience with South

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Africa, which had set a strikingly parallel example, unanimously took the view that it could proceed to discuss and adopt suitable decisions on the question of Jammu and Kashmir despite India's non-participation. The very basis of the functioning of the United Nations would have been undermined if the Council had agreed to confer on a party to an international dispute a right to veto its proceedings with regard to that dispute. The Council's response to India's withdrawal from the proceedings was clear from the fact that these proceeding continued and, indeed, led to the adoption of a resolution. The following are some statements made in this connexion:

(*a*) At the 1249th meeting on 28 October 1965, the representative of one of the permanent members (Ambassador Seydoux of France) urged the Security Council to keep before it the idea that:

> "its mission is in the last analysis, to study possible measures to promote a settlement of the political problem, namely, the problem of Kashmir, which is at the root of this conflict" [*1249th Meeting, para. 8*],

(*b*) At the 1248th meeting on 27 October 1965, an African representative (Ambassador Usher of the Ivory Coast) said:

> "As the African representative in the Security Council and in view of the fact that we shall be discussing this question at future meetings, I should like to state for the record that we greatly deplore the fact that the two parties . . .are not taking part in the debate. It is, however, not the first time that this has happened in the Security Council. We shall undoubtedly find that, when we discuss the problem of *apartheid*, South Africa will, as usual, not be with us, although I could wish that it would be; but its absence has not prevented the Council in the past from taking a number of appropriate decisions. That is why I believe that in the present

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> case the Council can usefully continue its deliberations and take decisions which can be carried out." [*1284 meeting para. 5.*]

(*c*) The same view was clearly expressed by an Asian representative (Ambassador El-Farra of Jordan) who said at the same meeting of the Security Council:

> "The absence of one of the parties cannot stop the work of the Security Council. It cannot stop the Council from diliberating on the question, taking decisions and finding constructive solutions. Otherwise it would amount to a veto, if the absence of one of the parties could stop the work of the Council." [*Ibid., para. 7.*]

(*d*) At the 1251st meeting on 6 November 1965, a Latin American representative (Ambassador Payse Reyes of Uruguay) stated:

> "Thirdly, Uruguay voted for resolutions 209 (1965), 210 (1965), 211 (1965), acd 214 (1965) of 4, 6, 20 and 27 September. In doing so, my delegation stated that it understood that the Security Council was considering the problem of Kashmir as a whole: that is, both the present crisis and the need to make some effective contribution to removing the cause of the crisis. This means, in our view, that resolution 211 (1965) implies that the protagonists should make a triple commitment: a ceasefire, withdrawal of troops and armed personnel, a decision or a desire to consider what steps could be taken to assist towards a settlement of the basic problem which has been under the jurisdiction of the Security Council since 1948." [*1251st meeting, para.14.*]

The Government of Pakistan has made a positive response to the call contained in Security Council resolution 211 (1965) to utilize all peaceful means including those listed in Article 33 of the Charter to settle the political problem—i.e. the dispute concerning the State of Jammu and Kashmir—underlying

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the conflict between India and Pakistan. Its efforts, however, have been nullified by the attitude adopted by the Government of India. The extreme nature of this attitude has now been clearly revealed in the contents of the letter of the representative of India under reference.

In claiming that the situation in Jammu and Kashmir is a matter of its internal jurisdiction, India takes a position identical to that which has been taken by colonial Powers in regard to territories under their subjugation and which has been categorically rejected by the United Nations. In refusing to discuss an international issue in the Security Council, India faithfully follows the example set by South Africa. But India stands all by itself in denying the jurisdiction of the United Nations over an issue regarding which it participated in negotiations conducted by the United Nations and declared itself engaged by the international agreement to which those negotiations led. Now, by refusing to recognize even the international character of the dispute concerning Jammu and Kashmir, the Government of India makes it impossible for any international peacemaking machinery, in or outside the United Nations, to be brought into play for its honourable settlement. Its posture is one of defiance, not only towards the United Nations, but also towards all individual members of the community of nations, who, by virtue of that membership, have a legitimate interest in the resolution of an international dispute which has twice led to war and which affects the welfare and happiness of the inhabitants of the subcontinent of India and Pakistan constituting a large segment of the human race.

In contrast to the attitude of the Government of India, Pakistan wishes to make it plain that it is receptive to any suggestion, and will co-operate with any effort, emanating from any Government or from the United Nations, which would seek to resolve the problem of the State of Jammu and Kashmir in accordance with the wishes of the people of that State impartially ascertained.

Pakistan's anxiety regarding the situation in Jammu and Kashmir has been aggravated in recent weeks by the rapid deterioration resulting from the extremely repressive measures

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adopted by the Government of India. These measures compel the people of the State to resort to desperate acts which cannot but have an immediate effect on the climate of relations between India and Pakistan. The Govarnment of Pakistan considers it both its duty and its responsibility to draw the attention of the Security Council to such grave and ominous developments.

(*Signed*) A. SHAHI
Permanent Representative of Pakistan
to the United Nations

(Source: UN Document No. S/10102).

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9

Proclamation Issued by the Revolutionary Council of Kashmir on 10 August 1965

The Revolutionary Council of Kashmir proclaims:

Brave Kashmiris:

Arise for now is the time.

We have suffered long enough under the oppressive and treacherous rule of impostors and enemy agents.

Long enough have we allowed the traitors, to further the enemy designs.

Remember that a Hindu despot who ruled over us, in utter disregard of the wishes of the people sold us to India in 1947. This was the second sale of our land through a fraudulent and ignoble deed, which brought the might of the cursed Indian Army into our beautiful and peaceful land.

Betrayed, though we were, we fought the enemy on every inch of our sacred soil. And we would have won, but for the intervention of the United Nations, who obtained an undertaking from India that we will exercise our inalienable right of self-determination under a free and fair plebiscite.

The United Nations was duped and so was the whole world.

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India dishonoured her international pledged shamelessly and with utter contempt for world opinion.

She played for time to occupy our land. Since then, every day that has passed has been a day of misery and every night, a night of crime. You know what acts of cruelty, sacrilege and barbarity the enemy has been perpetrating under the shadow of guns and bayonets.

For years our great Leaders, Sheikh Mohammad Abdullah and Mirza Afzal Beg, have been languishing in Indian prisons, but their determination to throw of the yoke of Indian imperialism remains unflagging.

We have our children butchered, but every drop of their blood has illumined the path of our struggle.

Our women were dishonoured but in their agony they sanctified the course of our freedom.

Our brave fighters lost their lives, but their dying-calls stirred the hearts of their compatriots. The will of our people remains unbroken, their united might unshaken.

The enemy is on the run. We will not rest content till we have chased him out of our land.

The time has come for us to deliver the final blow and hereby we take a solemn pledge to take up arms, once again, and continue the fight till:

(A) THE USURPERS ARE EXPELLED OUT OF OUR LAND,

(B) OUR LEADERS NOW IN JAIL ARE FREED, AND,

(C) THE WILL OF THE PEOPLE IS ALLOWED TO DETERMINE THE FUTURE OF OUR LAND.

The Revolutionary Council, which consists of patriots of unimpeachable integrity and men of unswerving faith, has set up, today, the National Government of the people of Jammu and Kashmir which decrees as hereunder.

From today (A) All alleged treaties and agreements between

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the imperialist Government of India and Kashmir stand annulled and are no longer binding on us. (B) The National Government of Jammu and Kashmir formed by the Revolutionary Council of Kashmir is the sole lawful authority in our land. (C) Only the National Government will be legally competent to receive taxes and public dues from the people of the State. (D) Any Kashmir national who wilfully co-operates with the Indian Government or their puppet administration in occupied Kashmir will be treated as a traitor and dealt with as such. (E) Every national of the State of Jammu and Kashmir who may be employed either by the imperialist Indian Government or its puppet administration, in civil or military capacity, shall support the freedom movement of the Revolutionary Council in every possible way. (F) The National Government will issue orders and decrees on the Kashmir National Radio representing the "Voice of Kashmir" (Sadae Kashmir). (G) Any national of Kashmir, who impedes the freedom movement or disobeys any order or decree of the National Government will be dealt with as a traitor.

The Revolutionary Council appeals to the world to support this freedom movement.

Now is the time for countries who have pledged themseves to help all freedom movement against imperialism to come to our assistance.

We have nothing against the people of India but their Governments have established a record of treachery and dishonesty in the world. We expect all sane and freedom-loving elements in India, and particularly the brave Sikhs, the south Indian and the Rajputs, who have always given us moral support to lend us active assistance.

The people of Pakistan have stood by us in our fight. To our regret they have not done as much as we expected of them. Now is the time for them too to join us in our struggle for life and liberty.

Let the nations of the world remember that if we go down the light of freedom will be extinguished forever.

And, above all, you the people of Kashmir, you are the

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ones who are on trial. You are the ones who have to fight, for it is your own cause. You are the ones who must win this war for the sake of coming generations, for the sake of freedom and for the sake of the glory of your motherland.

ARISE NOW, OR THERE WILL BE NO TOMORROW

Issued by the Revolutionary Council of Kashmir, Sadae Kashmir Press, Srinagar.

10 August 1965.

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10

Resolution passed by Jammu and Kashmir Plebiscite Front in March 1970

Adopted by the Central Working Committee of the Jammu & Kashmir Plebiscite Front (for Azad Kashmir & Pakistan) held at Rawalpindi on 22nd and 23rd March 1979.

"We are all seized of the harrowing fact that the Kashmir issue to our utter dismay, is hanging fire for over two decades and consequently our fate is hanging in the balance.

"That the nerve-racking suspense and ominous uncertainty about tomorrow, as a consequence of the present stalemate is wholly responsible for continued political unrest, economic debacle and social disorder in the State.

"That the victimisation of the patriots resulting from our political struggle and the communal frenzy fanned by vested political interests has since taken a very heavy toll of life—a few hundred thousand lives—not to speak of the exodus of the hundreds of terror-stricken people from one side of the cease-fire line to the other or from their homeland to India and Pakistan; and

"That these pathetic and agonising conditions have completely shattered the economy of our land bringing in its wale calamities of starvation, distress and disease.

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"Worst of all the two great Asian powers—India & Pakistan, whose borders are contiguous to the State, are pitched against each other, both politically and militarily, thus wasting their enormous material resources and energies on the army build-up and the maintenance of large armies owing to this unresolved dispute.

"Worse still, the Indian and Pak armies which have gone through the havoc of two devastating wars, inspite of them multifarious internal problems are still confronted, against each other posing an imminent danger to peace in the sub-continent, serious repercussions of which on a global scale are inevitable.

"It is therefore, high time that lovers of world peace should feel concerned over this explosive and dangerous situation in the sub-continent; believers in human dignity should feel deeply perturbed over the untold sufferings of the subjugated, victimised and oppressed people of the State and the advocates and protagonists of the freedom of subjugated small nations of the world should come forward to uphold and openly support our right of self-determination.

"Under the prevailing circumstances, we are full of admiration for the laudatory efforts of Steering Committee of the STATE PEOPLE'S CONVENTION to evolve a formula for a peaceful, democratic, just and realistic solution, for the State's political future, keeping in view the interests of all regions, ethnical, cultural, linguistic and other problems and also the tact that such a solution should foster communal and religious harmony, not only within the State of Jammu and Kashmir but also in the whole sub-continent and should be in conformity with the past traditions and abiding values of our freedom struggle.

Fundamentals

"Let us first of all analyse our problem and try to agree on the fundamentals. Under the Indian Independence Act of 1947, British India was divided into two independent Sovereign States, namely India and Pakistan. By the same Act the princely States which did not constitutionally form part of

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British India and were not ruled by the Government of India but enjoyed full autonomy within the British Empire directly, were freed from British Paramountcy and restored their full rights of Sovereignty. Each State in its inherent sovereign right was, however given the option to accede to one or the other of the two dominions in keeping with its own interests and according to its own choice. The Act neither compelled any State to choose "accession" in preference to "independence", nor did it provide for the division of any State.

"In our particular case foreign forces marched into the Jammu and Kashmir State, unfortunately, before the people could decide and declare their future freely. A dispute ensued between India and Pakistan over the issue with the result that United Nations Security Council had to intervene. Both India and Pakistan affirmed before the Security Council that the people of the State alone had the right to decide their future. The result of the debates and deliberations held at the World Forum was the Security Council Resolution by which it was unanimously agreed that all the foreign forces and other foreign elements shall be withdrawn from the State, and the people of the State shall be given an opportunity to exercise their right of "self-determination" to decide the future of the State through a free and unfettered plebiscite, to be held under the auspices of the U.N.O. Besides recognising our right of self-determination, the U.N.O. has also committed itself to the restoration of the integrity of the Jammu and Kashmir State as it stood immediately before the outbreak of the 1947-48 War.

"Apart from these international agreements, solemn pledges and U.N.O's assurances, it is an undeniable and universally known fact that the two great leaders of the sub-continent namely, Quaid-e-Azam Mohammed Ali Jinnah and Pandit Jawaharlal Nehru not only passionately endorsed are recognised, but also vehemently advocated these rights of the people of Jammu and Kashmir State during their life time before as well as after the partition. Pandit Jawaharlal Nehru's support to the revolutionary movement of 1946, which was aimed at liquidating the hereditary despotic rule of the Maharaja and restoring sovereignty to the people, is too well known to need

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any comment. Later, in his capacity as Prime Minister of India, Pandit Nehru, always advocated and supported the right of self-determination and sovereignty of the subjugated people all over the world, though at a later stage he refused to concede this very basic human right to the people of Jammu and Kashmir State owing to his difference with Pakistan. However, more recently, during his talks with Sher-e-Kashmir Sheikh Mohammed Abdullah in 1964, it is felt that late Pandit Nehru was desirous of settling the Kashmir dispute to the satisfaction of the State people. Similarly, when the question of the future of the States came up for discussion before Quaid-e-Azam soot after the partition, he said, "I hate to be a Maharaja with flatterers around stopping you from taking decision on merits. When we say the people are sovereign, let there be no doubt about it. They are sovereign." (Reported by Justice M.B. Ahmed in Quaid-e-Azam's Anniversary Supplement of Pakistan Times dated 11-9-1969).

"The historical facts related above are merely meant to refresh the memory of our compatriots, the rulers and leaders of India and Pakistan and others concerned; otherwise, no arguments were needed to prove the fundamental truth that self-determination is our birth right by virtue of the fact that we belong to the soil of Jammu and Kashmir State and our ancestors have lived here for centuries continuously. That certain World Statesmen and the U.N.O. have also admitted it, is a further confirmation of our basic stand. In fact our freedom movement, right from 1931 to this day which has been carried on an all-State basis long before India and Pakistan came into being, has throughout been aimed at achieving recognition for the exercise of this very right of self-determination and sovereignty of the people. The whole State of Jammu and Kashmir has always been not only the field of our political activity but also the subject of our political demands. Our people have suffered untold miseries and made immense sacrifices to achieve these high objectives. Surely, to patriot can ever afford to ignore these sacrifices or lose right of our goal at any cost and under any circumstances.

"The logical conclusion we arrive at in the light of the

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history of our freedom movement is that there are two fundamentals on which we have always relied and on which we should continue to rely and stand firmly uptil the last. These are:

1. The right of self-determination which implies the right of sovereignty of the people;
2. The invoilability of the integrity of the state.

"We cannot, therefore, accept a position which militates against our stand for unqualified and unrestricted right of self-determination, or which jeopardises the integrity of our country.

"Judged by these standards, the proposals tabulated in the Steering Committee Report (Document B) are commented upon briefly as follows:

1. "Accession to India" or "The present relationship with India to continue for ever."

"To acquiesce in the super-imposed accession of the State to India or to continue the present relationship of the State with India for ever is tantamount to an abject surrender of our universally accepted right of self-determination and to the division of the State, which no patriot will tolerate in any case, notwithstanding guarantees and assurances for a special status as stipulated under Article 370 of the Indian Constitution or restoration of full autonomy as in 1947 and so on.

"Similarly, the continuance of the present position of Azad Kashmir and Gilgit-Baltistan Frontier Areas as Pakistan-controlled territory even though it may be made internally autonomous, will be obviously inconsistent with the aforesaid principles.

2. "Interim arrangements with final solution after specified period" and "some other methods for solving the problem", such as:

(*a*) U.N. control for a specified period;

(*b*) Joint responsibility for India and Pakistan in respect of such subjects as Defence, Elections, Judiciary, Public Service, Economic Development, Audit, and Currency;

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(*c*) Full autonomy within existing constitutional frame-work;

(*d*) Status-quo to be maintained for 5 years;

(*e*) Regional autonomy before attempting to decide the question of over all status;

(*f*) Independence of the whole State with joint control (of India and Pakistan) of foreign affairs and defence;

(*g*) Dickson Plan with independence for the plebiscite area;

(*h*) Zonal plebiscite.

"All these proposals amount to the imposition of a decision on the people arbitrarily from outside in utter disregard of their right of sovereignty. Some of these proposals also imply division of the State which again violates the integrity of the state.

"Control of U.N.O. or any foreign power or powers or the joint control of India and Pakistan is apt to create more complications and problems than it may solve. Moreover, it is fraught with the danger of weekening our will and integrity.

"Again, Joint Defence or joint Control of India and Pakistan is, firstly, impossible until these powers sincerely resolve to bury their hatchet, come close to each other and decide to live like good neighbours, which, however, as it seems, they are least likely to do in the near future. In fact, it will be like putting the cart before the horse to expect India and Pakistan to co-operate with each other as friends unless and until they are able to solve the Kashmir dispute. Secondly, such joint control, etc, will be diarchy of the worst type and a double embargo on our sovereignty and self-determination.

Plebiscite on the Question of Accession alone

"The plebiscite restricted to the question of accession alone amounts to depriving the people of their free choice and is against the very spirit of the term "Right of Self-determination" which implies "a nation's right to determine its own polity".

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The restricted plebiscite therefore, implies that those who do not believe in accession must be deprived of their right of self-determination outright, quite unjustly and arbitrarily. Secondly, accession under such circumstances will again mean submission to coercion. Accession to India or Pakistan before we are free, competent and strong enough to settle honourable terms with either is likely to prove disastrous for us, because in that case we are bound to be treated as a subject race.

Our Proposals

"The Jammu and Kashmir Plebiscite Front (for Azad Kashmir and Pakistan) representing the people of Azad Kashmir, Gilgit and Baltistan, Jammu and Kashmir Nationals living in Pakistan, the oldguards of the freedom movement on this side of the cease-fire line and the youth engaged in the freedom struggle including those of its members from whom proposals have been invited by the Steering Committee of the State People's Convention, Srinagar, having carefully gone over all pros and cons and having deliberated over the matter in the Front's Working Committee proposes as follows:

"1. "All armed forces and armed Police belonging to India and Pakistan or under the control and command of their civil and military authorities must withdraw from the State.

"2. The State Army duly reorganised and adequately equipped should replace the external armies. Similarly, external Police force stationed in the State must be replaced, by the Jammu and Kashmir State Police which should also be reorganised according to the new requirements.

"3. The "Srinagar-Muzaffarabad, Jammu-Bhimber" and "Bandipura-Gilgit" roads must be thrown open to normal traffic and the unwarranted, unjustified and oppressive restriction on the movement of State nationals from one side of the cease-fire line to the other, within their homeland, should go. Further, the Jhelum Valley road connecting Srinagar with Rawalpindi and the Banihal Cart road connecting Srinagar and Jammu with

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Sialkot should also be re-opened to normal traffic.

"4. The two parts of the State which have been created by an artificial and arbitrary cease-fire line should be re-united.

"5. The people who have migrated from one part of the State to the other during the last 22 years may be repatriated or allowed to stay where they are already settled, just as they may like. As regards the State nationals who have taken refuge in India and Pakistan, they shall have to be repatriated to their homeland before plebiscite is held.

"6. Free elections should be held to the State legislature and a representative national government formed after the integrity of the State is restored, all external forces are with-drawn and outside interference and pressure is vacated.

"The State Legislature may also function as the Constituent Assembly and frame a new Constitution of the State.

"7. Elections to an all-State legislature and the election of a Representative National Government for the whole State should be held under the supervision of a neutral administration. Similarly, other steps considered as pre-requisite to the plebiscite may also be taken through the agency or under the supervision of the neutral administration.

"8. (*a*) Plebiscite should be held on the question of:

(1) Accession to India

(2) Accession to Pakistan

(3) Independence of the State

after a reasonable period, say 5 years during which the elected National Government may be able to repatriate and rehabilitate the refugees and displaced persons, restore normalcy, reorganise the armed

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forces and take other necessary measures to set the stage;

(*b*) The plebiscite should be held for the entire State;

(*c*) It should be held under the supervision of a neutal administrator who may be assisted by some of the MLAs representing the major political parties of the State and the State Government Officials (including Police) whom the neutral administrator may select in consultation with the State Government;

(*d*) The neutral administrator should be selected by the U.N.O., in consultation with India, Pakistan and the State peoples' representatives.

"9. In case it is not found possible to reorganise the State army to maintain security, law and order within a reasonably short period (say 6 months) the elected State Government may either directly or through any member country of the U.N.O. apply for the deployment of U.N. forces selected from small neutral countries to do the job for some time.

"10. As regards financing the plebiscite arrangements, it should be the responsibility of the State Government. But in case it is unable to take the liability it should request the U.N.O. to come to its aid.

"11. Before plebiscite actually takes place the terms of accession shall have to be settled by the elected representatives of the Constituent Assembly/Legislature of the Jammu and Kashmir State on the one hand and India and Pakistan on the other.

"12. In case the verdict of the people through plebiscite goes in favour of independence:

(*a*) Independent Kashmir shall comprise of all parts and areas as it existed before October 1947;

(*b*) A Federal Independent Republican Government shall be formed with FIVE autonomous Units namely:

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I. **Jammu East**, comprising of:

(*i*) Jammu District,

(*ii*) Kathua District including Ramnagar Jagir,

(*iii*) Udhampur District including Chaneni Jagir, and

(*iv*) Lower Reasi.

II. **Jammu West**, comprising of:

(*i*) Upper Reasi viz. Gulabgarh sub-division,

(*ii*) Rajouri,

(*iii*) Mirpur District including Nowshera sub-division,

(*iv*) Poonch District including Poonch City, Rawlakot and Pullandri, etc.

III. **Kashmir**, comprising of:

(*i*) Islamabad,

(*ii*) Baramula, and

(*iii*) Muzaffarabad.

IV. **Baltistan**, comprising of:

(*i*) Kargil,

(*ii*) Skardu,

(*iii*) Gilgit

(*iv*) Astore, and

(*v*) Hunza, Nagar, Ashkoman, Darel, Tangir Yasin, etc.

V. **Ladakh**

Note: (1) If JAMMU EAST, at some later stage feels disposed towards merging with JAMMU WEST, it could take such a decision, in keeping with the wishes and free-will of its population, without any pressure from outside.

(2) Minor adjustments in the composition of UNITS could also be made keeping in view the ethnical, linguistic, cultural, economic and other interests of the component parts of each Unit.

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(*c*) None of the Units shall have the right of secession from the country.

(*d*) The Units shall be given maximum powers to exercise their autonomy in all important fields to safeguard their ethnical cultural, linguistic and other genuine interests in full conformity with the overall intergity of the State.

How to Achieve our Objectives

"The present position is that the State is divided into two parts both of which are under the occupation of external forces and overall control of external governments, hostile to each other. There is of course a difference between the attitudes of these controlling governments which is that while India claims the State to be its integral part, Pakistan's stand is that the State is a disputed territory whose future is yet to be decided to the satisfaction of its inhabitants. At any rate, both the Governments have started to treat the case as a territorial dispute between themselves and assumed the role of masters (not custodians) of the areas under their respective control. This attitude on their part is also responsible for creating the wrong impression in the world outside that the case of Kashmir is primarily a "territorial dispute" between India and Pakistan and not a "question of the freedom of over five million human beings". In such circumstances it will not be possible to implement the above proposals. We shall, therefore, have to strive very hard to make India and Pakistan relax their attitude and agree to our proposals which are aimed at a peaceful, just and honourable settlement of the issue.

"In order to bring round India and Pakistan, we suggest as follows:

(*a*) Jammu and Kashmir State Peoples Convention as also such political parties and patriots who are not participating in the Convention should press the above demands on the Governments of India and Pakistan with all the force at their command.

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(*b*) They should project our case before the outside world as well as the U.N.O., both 'directly' through personal contacts and indirectly through Press, Literature and other helpful Institutions and personalities.

(*c*) Accredited representatives of the people should go about convassing the rulers, leaders and the people of India and Pakistan. It will be in the fitness of things if a number of such representatives were selected at the next session of the Srinagar Convention.

An Ideal Alternative

"Under the prevailing circumstances when the continued tension and stained relations between India and Pakistan (which is mainly due to their quarrel over Kashmir) besides crippling their own economies, has virtually put the State people in a quandary and they are made to groan under agonising uncertainty and misery which are the direct result of the stalemate in the case, the selfish powers are inhumanly turning a human problem into an Indo-Pak territorial dispute to aggravate thereby the worry and anxiety of a subjugated people and some short-sighted and unpatriotic elements are raising communal slogans thereby the flame of communal frenzy, creating mistrust and inviting schism and division in the body-politic while the patriots are being ground between two mill stones.

"The only ideal alternative, the line of least resistance is to declare Jammu and Kashmir as an independent State with a natural character.

"The emergence of a "unified, neutralised, free Kashmir" would serve as a bridge between India and Pakistan and a friendly link between all Asiatic neighbours.

"Independent Jammu and Kashmir State shall guarantee maximum autonomy to its federating units with complete safeguards to ethnical, cultural and linguistic interests on Swiss Pattern at District level with minor adjustments wherever

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necessary. The pattern of Government of the independent State of Jammu and Kashmir shall be such as each Unit however shall in area or population, may have an opportunity to come up to the top authority.

Our Resolve

"As already explained at some length we the people of Jammu and Kashmir State have been engaged in a continuous struggle for freedom for nearly four decades. We have been aspiring for freedom to exercise the right of self-determination and sovereignty and to promote the prosperity, welfare and happiness of all our countrymen. We believe that these aspirations of our people will be satisfied only in case we are *free* to decide our political future without let or hindrance, fear or favour, distinctions of castes, creed, colour or clan and above all without and outside pressure. In fine let all of us be quite clear about one thing, that any kind of settlement of the Kashmir dispute which does not fulfil our national aspirations will not be acceptable to us in any case. If, unfortunately, India and Pakistan are not prevailed upon to allow us this opportunity, we must have the will either to live honourably or die honourably, but never be content with a slavish life. We shall have to utilise all our resources and employ all possible means to achieve our cherished sacred goal. In order to forge a United National Front for the most uphill task which lies ahead of us we must first create mutual understanding and inspire confidence among the various sections of our people and shades of opinion among them. The Steering Committee of the State Peoples' Convention has already taken steps in this direction by coming out with broad outlines of the future constitution of the State. A careful study of the proposed constitutional set-up reveals that authors of the "document C" and the delegates to the last year's Convention who passed the political resolution were guided by the desire to entrust a good measure of authority and autonomy in the future democratic Government of the State to every Section of the people in order to inspire confidence in them thus paving way for their unstinted

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support to the freedom movement. We are not only in agreement with them but also wish still further decentralisation of the Central Authority and delegation of still greater autonomy to every Unit, no matter—how small it may be in respect of size, population and resources, provided it has the necessary qualifications of forming a unit of the State".

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11

Jammu and Kashmir State People's Convention

1. Resolution Passed by Jammu and Kashmir State People's Convention held in Srinagar

The J & K State People's Convention records its strong disappobation of Government of India's refusal to issue visas to the Nationals of the State living across the cease-fire line, in order to come over to this part of the State and participate in the deliberations of the 2nd Plenary Session of the Convention. In the opinion of the Convention, Government had no justification, legal, moral or constitutional for such refusal. It is conceded on the one hand that Azad Kashmir is a part of the J & K State now as much as it was in 1947, when partition took place. According to the Constitution of J & K State (S. 4), the State's territory is defined as comprising of "all the territories which on the 15th day of August, 1947, were under the sovereignty or the suzerainty of the ruler of the State". Accordingly, the said Constitution has kept 25 seats of the J & K Assembly vacant for the representatives of that part of the State (S.48).

The Convention was anxious that all shades of opinion of the State's people should be represented in the session, so as to help evolve a formula for the solution of the future of the State, reflecting the wishes of all. It was not proper and just for

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Government of India to arbitrarily reject this request and deny the basic right of a free dialogue among different sections of the State people on an issue so vital to them. The Convention deeply regrets that though India claims to be the biggest democracy in the world, in practice it is consistently refusing the State's people the exercise of these rights. The Convention notes with appreciation that though no written reply was received by the Chairman of the Convention from the Pakistan Government, that they had, as reported by Pakistan Radio, no objection to allow the Kashmiri invitees living in Azad Kashmir or elsewhere in Pakistan to participate in the Convention.

2. Evalution Report of the Sub-committee of the Steering Committee of the Jammu and Kashmir State People's Convention

Preamble

In its meeting held on 7 December 1969, in Srinagar, the Steering Committee decided to appoint a sub-committee consisting of us three (M.A. Beg, Balraj, and Premnath Bazaz) for the purpose of scrutinising the tabulation work done by members of the Steering Committee with regard to the papers submitted to and the speeches made in the first session of the Jammu and Kashmir State People's Convention. We were further instructed to prepare a summary of all the proposals and suggestions which had been made by the delegates to the Convention and submit the same by the end of January 1969.

As the material did not reach us in time and certain unavoidable circumstances intervened, this report could not be submitted earlier.

We closely studied in our three meetings the reports on the papers and speeches as also the comments of the Steering Committee on them. We drafted the report and finalised it on 17th Ferbuary.

In framing our report we have, as far as possible, avoided repetitions and tried that every original proposal or suggestion is included in the summary. We, therefore, hope that every

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participant will find his views substantially stated though at times these may have been split into parts under different heads.

Despite our best efforts to classify the proposals, certain suggestions put under one head could have found place under another head also. This is so because some of the suggestions can fit in at two or more places but to avoid repetitions we had to include them under one head only.

Proposals and Suggestions

We have found that the proposals and suggestions made by the delegates regarding the political future of the State broadly fall under the following heads:

(*a*) Settlement through a Plebiscite

(*b*) Accession to India

(*c*) Accession to Pakistan

(*d*) Independence for the State

(*e*) Interim arrangements with final solution after a specific period

(*f*) Some other methods of solving the problem.

We shall now state the various proposals and suggestions under these heads serially.

(a) *Settlement through a Plebiscite*

It has been stressed that the political future of the Jammu & Kashmir State should be finally decided by the democratic method of a free and fair plebiscite. To this solution following conditions have been set by way of explanation or amplification:

1. Pressure should be brought to bear on the U.N. to get its resolutions implemented by India and Pakistan.
2. The Plebiscite should be held in accordance with the resolutions adopted by the Security Council on the issue.
3. The plebiscite should be held not only for the alternative

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of accessions to India or Pakistan but also with the third choice to keep the State independent.

4. While generally overall plebiscite for the entire State is demanded, zonal plebiscite is also suggested, the zones being as follows:

   (*i*) Azad Kashmir

   (*ii*) The Kashmir Valley

   (*iii*) Doda

   (*iv*) Rajouri

   (*v*) Poonch

   (*vi*) Askardu

   (*vii*) Kargil

   (*viii*) Gilgit

   (*ix*) Astor

   (*x*) Bhonji and

   (*i*) Udhampur

   (*ii*) Jammu

   (*iii*) Reasi (excluding Rajouri)

   (*iv*) Kathua

   (*v*) Ladakh

5. The pre-requisites of a plebiscite suggested are:

   (*i*) Withdrawal of Indian and Pakistani troops from all parts of the State.

   (*ii*) Replacement of outside troops by State troops.

   (*iii*) Defence against foreign aggression to be the joint responsibility of India and Pakistan under the U.N. auspices.

   (*iv*) Resettlement of displaced persons on either side of the cease-fire line.

   (*v*) Restoration of traffic and trade on Srinagar-Rawalpindi Road.

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(*vi*) Free elections to J & K Assembly and formation of a representative Government to conduct the internal administration.

(*vii*) Holding of a round-table conference of all political parties for settling details of the plebiscite.

(*viii*) Meetings of the leaders of India, Pakistan and Kashmir to be held by rotation in the three places to create a friendly atmosphere before the plebiscite is held.

(*ix*) The two parts of the State to be re-united before the free elections or the plebiscite is held.

(*x*) U.N. should hold charge of the State for 5 or 10 years prior to the plebiscite.

(*xi*) A federal type of Government comprising three units—Kashmir, Jammu and Frontier ilaqas—be set up in the State.

(*xii*) While exercising the right of vote in a plebiscite, the State people should take note of the emotions of millions living in the sub-continent.

6. For the supervision of the Plebiscite the following suggestions are made:

(*i*) It should be held under the U.N. auspices.

(*ii*) It should be supervised by the two administrators each from Ceylon, Burma, Afghanistan, Indonesia, Egypt, Abysinia and Kenya.

(*iii*) It should be held under the directions of a supreme council with the composition of following members:

(*a*) U.N.O.	1
(*b*) India	1
(*c*) Pakistan	1
(*d*) Kashmir Valley	3
(*e*) Azad Kashmir	2
(*f*) Jammu Hills	1

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(g) Jammu Plains 1

(h) Northern territories 1

(i) Ladakh 1

7. After accession through the plebiscite and before transferring the sovereignty of the State to India or Pakistan, as the case may be, the U.N. should secure the guarantee from the concerned power that the autonomy of the State shall be fully preserved.

(b) *Accession to India*

It is proposed that the present relationship of the State with India should continue for ever with the following provisions:

1. Cease-fire line be made the permanent boundary of the J & K State.
2. Special position guaranteed to the State under Article 370 of the Indian Constitution should continue.
3. Autonomy of the State restored to 1974 position, changes in Article 370 after 1953 be cancelled; jurisdiction of Election Commission and Supreme Court and grant of fundamental rights (in so far as they do not affect the progressive measures like land reform and debt legislation) should not be affected by it.
4. Largest measure of autonomy should be guaranteed.
5. A truly representative government should decide the measure of autonomy.
6. The content of autonomy should be acceptable to the State Muslims.
7. A solution within the framework of Indian Constitution wherein the people of the State, who are mostly Muslims, would be able to maintain their own cultural, linguistic and religious entity.
8. Both India and Pakistan should bind themselves by a covenant regarding the inviolability of the autonomy in their respective areas.

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9. Firm assurance to be sought from the Indian leadership that it shall allow Kashmir to pursue its social, economic and political goals according to the genius of her people. Possibilities of the fulfilment of the ideals enshrined in New Kashmir to be explored. If guarantees to this effect from India are not forthcoming, a determined battle to be launched.

10. Full assertion of Kashmir's personality within the Indian Federal system and democratisation of the State's set up be tried through participation in elections at all levels.

11. The State should enjoy power and authority to enter into reciprocal trade arrangements with authorities in Pakistan within the broad framework of the trade policies of the Indian Union.

12. The pledges given by the leaders of Kashmir and India during the early years of mutual relationship should be re-affirmed.

(c) *Accession to Pakistan*

Proposals have been made favouring the State's accession to Pakistan but, at the same time, such accession is subjected to a plebiscite with options to accede to India, Pakistan or to remain independent.

(d) *Independence for the State*

It has been proposed that the State of Jammu and Kashmir should become independent. The following suggestions have been made in connection with this proposal:

1. A federal independent republican State should be formed with six semi-autonomous units, namely,

   (*i*) The Valley

   (*ii*) Azad Kashmir

   (*iii*) Jammu Plains

   (*iv*) Jammu Hills

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(v) Northern Territories

(vi) Ladakh

Excepting the Valley each unit to have right of secession from the State and accession to either India or Pakistan. The Valley would have to vote on accession only if after 10 or 20 years of U.N. supervision it rejects independent in a plebiscite.

2. Independent Kashmir should comprise all parts as it existed in 1947 before partition.

3. The State comprising three units namely Jammu, Kashmir Valley and Ladakh should become independent.

4. A federal independent State should be set up with three units namely, Jammu, Kashmir Valley and Ladakh.

(e) *Interim arrangements with final solution after a specified period*

Proposals have been made to postpone the final settlement of the problem to some future date and in the meantime have some arrangements to run the State administration. The suggestions made in this connection are as follows:

1. U.N. supervision had been suggested for varying period 5, 10 or 20 years—as an interim measure.

2. For defence during interim period, State troops or militia should be employed; or in the alternative it should be the joint responsibility of India and Pakistan. One delegate has suggested to have an army of 2,000 each from Ceylon, Burma, Afghanistan, Indonesia, Egypt, Abysinia and Kenya for the purpose.

3. For internal administration convening of a National (Constituent) assembly elected freely and fairly which will form a representative government.

4. Such subjects as defence, elections, judiciary, public services, economic development, audit and currency, to be the joint responsibility of India and Pakistan. The State not to enter into any agreement with one country which would adversely affect the other country. Further,

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agitation in the sub-continent against the Constitution of the State or against the Constitutions of the two countries should be considered as treason.

5. Full autonomy within existing constitutional framework be granted till a congenial atmosphere is created for a final settlement of the accession dispute.
6. All India laws extended to the State since 1953 should be withdrawn.
7. Status quo be maintained for 5 years and Sheikh Abdullah be provided facilities to tour India and Pakistan during the period at the end of which a plebiscite be held to decide the issue finally.
8. Regional autonomy for Jammu, Kashmir and Ladakh be granted to create an organic, composite and harmonious personality of the State before attempting to decide the question of overall state.

(*f*) *Some other methods of solving the problem*

Some of the proposals made for the final solution do not fall under any of the above heads and may, therefore, be grouped together as follows:

1. A round-table conference of representatives from India, Pakistan and Kashmir may be convened to thrash out de novo the issue and evolve a solution.
2. Status quo should be maintained for five years and Sheikh Abdullah, accompanied by two representatives each from Jammu, Kashmir and Ladakh, should be allowed to tour the two countries, meet the leaders there and evolve a solution of the problem.
3. Elections to the State Legislature should be held under neutral auspices to pave the way for resolving the dispute.
4. The leaders returned to the State Legislature through a fair and free election should sit at a round-table and start a purposeful talk with India and Pakistan for settling the dispute.

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5. A struggle should be launched to get the right of self-determination for the State people conceded by India and Pakistan. Thereafter, a convention of leaders from both sides of the cease-fire line be held to evolve a solution.
6. The present Legislative Assembly should be dissolved and the President's rule imposed on the State. Thereafter, a democratic government established in the State which should create an atmosphere conductive to the final solution of the dispute.
7. A series of conferences, conventions and meetings should be held with delegates from India and Pakistan with the purpose of creating a congenial atmosphere for a settlement. Meanwhile, fullest autonomy should be granted to the State by India.
8. A Constituent Assembly be convened to establish a representative government for Jammu and Kashmir State. The government will enter into treaty relations first with India and afterwards with Pakistan.
9. India and Pakistan should be persuaded to resolve their differences over the future affiliations of Kashmir to the satisfaction of the State people.
10. The leaders of India and Kashmir should arrive at a settlement on the basis of the pledges given to each other in 1947. This should be followed by negotiations between India (including Kashmir) with Pakistan for a final settlement of the dispute.
11. Independence of the whole State with joint control (of India and Pakistan) of foreign affairs and defence.
12. Dixon plan with independence for the plebiscite area.

Submitted

(*Sd.*) 1. M. A. BEG
2. BALRAJ PURI
3. PREM NATH BAZAZ

PS : Nos. 11 & 12 added with the permission of other members.

Sd/- M. A. BEG

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3. Resolution passed on December 21, 1969 by the Steering Committee of the Jammu and Kashmir State Peoples Convention

Whereas, after having heard the various papers and speeches delivered by the Delegates, on the issue of the State's political future, the J & K State People's Convention, instructed the Steering Committee, by its resolution dated 17-10 68, to tabulate the presented material for submission to, and discussion in, the 2nd session of the Convention. . . (Document 'A'),

Whereas, thereupon, the Steering Committee in their meeting of 17-12-68 appointed a Sub-committee for purposes of tabulating the said material, complete in every respect.

And accordingly the Sub-Committee submitted its report to the Steering Committee of the J & K State People's Convention. . . Document 'B').

The Steering Committee, after consideration of the various proposals regarding the internal constitutional set-up of the State, laid down the broad guidelines defining the regions of the State of Jammu and Kashmir, and broad character of the internal constitutional set-up of the State in their meetings held on 13th and 14th May, 1969, and

Appointed a Sub-Committee to set out the broad outlines of the draft constitution, including the measure of devolution of powers and functions in favour of various tiers.

And whereas, pursuant thereto, the Sub-Committee submitted a draft dated 23-10-69, broadly defining the regions, units and other tiers and indicating generally the nature and character of powers, responsibilities and duties assignable to the various tiers.

And the Steering Committee after deep consideration of the Sub-Committee said draft on internal constitutional set-up of the State, approved the same with some alteration. . . (Document 'C').

And now, therefore, in pursuance of the further implementation of the 17th October, 1968 Convention Resolution, the Steering Committee commends the Documents 'P' & 'C" to the

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2nd Plenary Session of the J & K State People's Convention for its approval.

The Steering Committee, further requests the Delegates of the Convention to guide, through expression of free views and concrete proposals, the Committee in the task of evolving a formula for a peaceful, democratic, just and realistic solution of the State's political future, keeping in view the interests of all its regions, as also the fact that such a solution should strengthen the secular democratic forces and should foster communal harmony, not only within the State of Jammu and Kashmir, but also in the whole sub-continent and should be in conformity with the past traditions and abiding values of out freedom movement.

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12

Jammu and Kashmir Janata Party

1. Resolution Passed by the Hd Hoc Committee of the J & K Janata Party in its Meeting at Srinagar on July 7, 1977.

"The Ad Hoc Committee of the J & K Janata Party considering the developments of the past weeks culminating in the successful polls on 30th June and 3rd July believes that it is a sign of great significance that for the first time after Independence, despite certain irregularities in procedure and terrorisation in some quarters, a real contest took place between political parties which commanded popular support."

"Though the Committee disapproves of the religious, communal and sectional propaganda launched by the National Conference to rouse passions of semi-literate and ignorant people to catch votes and of the wide terrorisation and hooliganism by the Conference men to prevent opponents, particularly Janata men and women, from casting their votes, honours the verdict of the people in the hope that the holding of elections will prove a step in the establishment of democratic institutions in the State.

"The Ad Hoc Committee welcomes the latest statement of Sheikh Abdullah that his party will fully co-operate with the

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Union Government in translating the dreams of Mahatma Gandhi in practice.

"The Committee cannot, however, refrain from pointing out that the unbridled hooliganism which has been unleashed in the garb of victory celebrations all over the valley is out of tune with the declaration of Sheikh Abdullah. The committee is apprehensive that fascism is raising its ugly head in the name of democracy because the National Conference is giving long rope to hoodlums in creating the alarming situation in which thousands of innocent people including women and children are being roughly handled by the ruffians. In particular Janata Party offices have been ransacked, flags and signboards removed and burned, workers especially candidates assaulted, injured and humiliated, their houses looted; all those men and women harassed who are believed to have shown any sympathy with Janata Party.

The Committee strongly condemns such atrocities and misdeeds of the National Conference hooligans and expects the administration to take strong measures to end them.

In spite of the fact that the State Janata is only two months old and without any organisational structure as possessed by its rival parties, the Committee notes with satisfaction that the party was able to secure many lakhs of votes which is by all accounts appreciable.

The Ad Hoc Committee congratulates the State people for responding heartily to the call of the party by rising above the prejudices of religion, caste and sect and thereby preserving peaceful atmosphere; it puts on record its appreciation of the devotion with which thousands of workers laboured night and day to make such achievement possible.

The immediate task before the party, in the opinion of the Committee, is to build the organisation from grassroots and make it a massive structure which can stand the tests which the party has to face in the days to come. The Committee, therefore, advises all leaders and workers of the party to bend their energy to accomplish the task of raising the edifice which

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alone can prove of great assistance in laying the foundations of democracy in the J & K State."

2. The statement issued by Prem Nath Bazaz, spokesman of the Ad Hoc Committee of J & K Janata Party on 14 July 1977

"For the first time during the past thirty years the elections in Kashmir were contested by parties commanding public support on issues which deeply concerned the electorate. For once there was a serious challenge to the monopolistic leadership of Sheikh Abdullah and his party, National Conference, from secular-minded sections most of whom in the Valley consisted of Muslims, who had rallied under the banner of Janata Party. If ever politically-conscious Muslims were emotionally involved in pro-India movement they were those supporting Janata candidates in the elections.

"In March last when the State Congress Legislative Party withdrew its support to Abdullah government and the Sheikh was ousted from power he was an unpopular figure. Apart from the somersaults that he had turned on State's accession issue since 1947, the nepotism, corruption and misuse of power for which he was roundly blamed, he had lost support of the State people. The need of a new dynamic leadership which could be trusted to deliver goods was felt by large numbers of disillusioned persons.

With the announcement of the formation of Ad Hoc Committee of the J & K Janata Party under the leadership of the universally respected elderly statesman, Maulana Mohammad Sayed Masoodi, thousands of political workers defected from National Conference and Congress to join the new party. By the end of May Janata in Kashmir had become a force to be reckoned with; it was anti-Abdullah wave which was erroneously confused with Janata wave in the rest of the country, that made it so.

"Sheikh Abdullah at once recognised the seriousness of the situation. He made repeated attempts to form alliance with the central leadership of the Janata Party but failed. With the

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phenomenal growth of Kashmir Janata unit he became desperate and resorted to fascist methods to meet the challenge. He revived the almost forgotten slogan of plebiscite and gave a call for secession of the State from India if need be. Since minority communities like Shias, Hindus, and followers of Mirwaiz Farooq called Bakaras solidly supported Janata he inflamed Shia-Sunni, Hindu-Muslim and Sher-Bakara animosities. Above all, he roused religious hatred and base tribal passions of the Muslim masses against Janata Party. He publicly and repeatedly charged that Janata was Jan Sangh in a new grab the hands of whose leaders were soaked with Muslim blood. He accused Janata Muslim leaders of refraining from recitation of Koran at the beginning of public meetings. The National Conference workers went from door to door with the holy scripture in hand compelling Muslims to swear by it that they will vote for Conference candidates who will defend them against Hindu aggression and not for Janata men who stand for Hindu India with the ultimate aim of subjugating Muslims.

"Having thus poisoned the Muslim mind, Sheikh Abdullah organised a band of hooligans, convicted criminals and militant young men to terrorize opposition by violent acts. The Janata offices were raided, workers beaten, many injured, their houses ransacked and shops looted. Protests of Janata leaders proved unavailing, a voice in the wilderness.

"In the beginning of June anti-Abdullah were began to subside and anti-India wave took its place, Again, the people outside Kashmir were wrong and the Indian National Press mistaken to confuse it with Abdullah were. The anger against Abdullah's misdeeds existed but it was over-shadowed by the hatred for India which had been systematically generated by the National Conference. Unfortunately the Muslim personnel of the Kashmir administration who were the foremost in condemning Abdullah a couple of months earlier, now became his supporters. The Kashmir Police condoned Conference rowdyism. For reasons unknown, Governor L.K. Jha adopted the same line and failed to maintain law and order when innumerable cases of goondaism were brought to his notice.

"Still feeling his position insecure, Sheikh Abdullah feigned

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serious illness. Jha sounded alarm to the central leadership that the "great hero" was breathing his last. Immediately came messages of sympathy from the highly placed including the Prime Minister Morarji Desai who was then in London. Forgetting the healthy tradition of the Indian Army to remain aloof from politics, two top ranking generals called at the "sick" man's house not only to pay their own homage but affection from rank and file. In the midst of a toughly fought election it gave setback to the propaganda of the Janata Party. This was what Sheikh had desired to achieve. As subsequent events have proved he was never seriously ill but the central Janata leaders were taken in by the ruse played on them.

"The Conference rowdyism culminated on the black 3rd July when the elections were held in the Valley. Despite the pleadings of the Janata leaders no adequate police arrangements were made to inspire confidence in the average voter that he was safe to cast vote as he wished. In almost all constituencies disturbers of peace were let loose, polling agents of Janata candidates were humiliated and beaten in the presence of police and polling officials, many booths were captured by Conference men and false votes cast; thousands of Jananta supporters desisted from casting vote for fear of reprisales. The protests of Janata men were neither heard nor acknowledged. On counting day seals of many ballot boxes were found broken and the ballot papers tampered with. Frequently it was discovered that a number of ballot papers were folded together and put in the ballot boxes. In protest many a candidate withdrew their co-operation and retired from the counting tables.

"No sooner was the fake victory of the National Conference declared on 4th July than a reign of terror descended on the Valley. Though an order under Section 144 Cr. P.C. was promulgated by the Authority, big and small processions of hoodlums went round beating Janata men and women, tearing their clothes and robbing them of valuables; the Janata candidates and prominent workers became special target of the hooligans. Hundreds of houses were pelted, windows and doors damaged; shops were looted and life of peaceful citizens made

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miserable. There was harassment on a large scale in the Valley. All Janata offices were ransacked, flags hauled down and burned along with the sign boards. Organisations such as Kashmir Motor Drivers Association were attacked, their property seized and their leaders forced to raise the Conference flags in place of the Janata flags. Some office bearers of the bodies were arrested to make room for pro-Conference men. Nearly a hundred Janata workers were injured in the process, some of them seriously.

"Afraid of danger to their lives, eighty-five families in Srinagar have evacuated their homes and taken shelter in safer areas; many of them are lodged in Islamia School. Though intimation has been received of such evacuation from other parts of the Valley exact figures are not available.

"It is grim story of Sheikh Abdullah's "triumph" in the elections which have been declared as peaceful and orderly by the Indian Government and the national press.

"We demand the institution of a powerful commission to go into the sordid affair to find out the truth for the information of the nation to enable it to make a fair appraisal."

3. The statement issued to the Press by Prem Nath Bazaz, spokesman Jammu and Kashmir Janata Party on July 16, 1977

"Sheikh Mohammad Abdullah, Chief Minister of Kashmir, and some of his colleagues have censured rowdyism and claimed that peaceful conditions have been restored in the Valley. But the fact remains that lawlessness prevails in the area, hooligans continue to be at work unrestricted and the average citizen, especially those who worked or voted for Janata candidates in the elections, are harassed by all means and, therefore, feel terror-striken in different places, particularly in Srinagar.

"I enclose three lists giving complete details of 22 Janata offices attacked or captured, of 53 shops looted or forcibly shut down and of 85 families who were compelled to leave their hearth and home and take shelter in those localities which are

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free from danger of molestation. When her grown up daughter was dragged from her house in Zaindar Mohallah, one Muslim lady, Mrs. Halwai, died of heart failure.

'Although over two lakhs of persons cast their votes for Janata in the valley and scores of Janata offices functioned in all the forty-two constituencies before the polls, National Conference leaders are determined to uproot all that stands for Janata and silence the supporters of Janata and democracy once and for all, by means fair or foul.

"It is clear that the National Conference leaders either do not mean what they say about curbing their riff-raff followers or else they are unable to bring miscreants under control who, once aroused, have adopted rebellious attitude. Sheikh Abdullah thinks that by merely praising the Central Janata leadership, Prime Minister Morarji Desai in particular, the miseries of the Kashmiris will not be taken notice of and full support will be accorded to his government while Kashmir Janata is groaning under unprecedented atrocities.

"It is the moral and constitutional responsibility of the Central Government to make on the spot sifting enquiries of the gruesome happenings in the Valley during the past month and to take immediate action to set the matters right and restore confidence of the people."

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13

Resolutions Adopted by the Security Council

1. Resolution Adopted at the 229th Meeting of the Security Council on 17 January 1948

The Security Council

Having heard statements on the situation in Kashmir from representatives of the Governments of India and Pakistan.

Recognizing the urgency of the situation,

Taking note of the telegram addressed on 6 January 1948 by its President to each of the parties and of their replies thereto, in which they affirmed their intention to conform to the Charter of the United Nations.

1. *Calls upon* both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

2. *Further requests* each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to occur

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while the matter is under consideration by the Council, and consult with the Council thereon.

Adopted by 9 votes to none, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics)

Decision

At its 229th meeting, on 17 January 1948, the Council decided that the President should invite the representatives of India and Pakistan to take part in direct talks under his guidance in an effort to find some common ground on which the structure of a settlement might be built.
(Res. 38 (1948); UN Document no. S/651).

2. Resolution Adopted at the 230th Meeting of the Security Council on 20 January 1948

The Security Council,

Considering that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security and that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency.

Adopts the following resolution:

A. A Commission of the Security Council is hereby established, composed of representatives of three Members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designed by the two so selected. Each representative on the Commission shall be entitled to select his alternates and assistants.

B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

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C. The Commission is invested with a dual function: (1) to investigate the facts pursuant to Article 34 of the Charter of the United Nations; (2) to exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties; to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council have been carried out.

D. The Commission shall perform the functions described in clause C: (1) in regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Security-General, dated 15 January 1948; and (2) in regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Security-General, dated 15 January 1948, when the Security Council so directs.

E. The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties may have to be fulfilled for the realization of its mission and the reaching of its conclusions.

F. The Commission, its members, alternate members, their assistants, and its personnel shall be entitled to journey, separately or together, wherever the necessities of their tasks may require, and, in particular, within those territories which are the theatre of the events of which the Security Council is seized.

G. The Security-General shall furnish the Commission with such personnel and assistance as it may consider necessary.

Adopted by 9 votes to none, with 2 abstentions (Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

(Source: Res. 39 (1948); UN Document no. 654).

3. Resolution Adopted at the 286th Meeting of the Security Council on 21 April 1948

The Security Council,

Having considered the complaint of the Government of India

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concerning the dispute over the State of Jammu and Kashmir.

Having heard the representative of India in support of that complaint and the reply and counter-complaints of the representative of Pakistan.

Being strongly of the opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about a cessation of all fighting.

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite.

Considering that the continuation of the dispute is likely to endanger international peace and security.

Reafirms its resolution 38 (1948) of 17 January 1948.

Resolves that the membership of the Commission established by its resolution 39 (1948) of the 20 January 1948 shall be increased to five and shall include, in addition to the membership mentioned in that resolution, representatives of . . . and . . . , and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five.

Instructs the Commission to proceed at once to the Indian subcontinent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the resolution of peace and order and to the holding of a plebiscite, by the two Governments, acting in co-operation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution; and, to this end.

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council

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are appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan:

A. *Restroration of poace and order*

1. The Government of Pakistan should undertake to use its best endeavours:

(*a*) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for purpose of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

(*b*) The make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should co-operate in the maintenance of peace and order.

2. The Government of India should:

(*a*) When it is established to the satisfaction of the Commission set up in accordance with the Council's resolution 39 (1948) that the tribesmen are withdrawing and that arragements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

(*b*) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

(*c*) When the Indian forces have been reduced to the minimum strength mentioned in (*a*) above, arrange in consultation with the Commission for the stationing of

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the remaining forces to be carried out in accordance with the following principles:

(*i*) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;

(*ii*) That as small a number as possible should be retained in forward areas;

(*iii*) That any reserve of troops which may be included in the total strength should be located within their present base area:

3. The Government of India should agree that until such time as the Plebiscite Administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and police provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragsaph 2 (*a*) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject to such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

B. *Plebiscite*

6. The Government of India should undertke to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the adminstration at the ministerial level while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there

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will be established in Jammu and Kashmir a Plebiscite Administration to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should, at the request of the Plebiscite Administration, meke available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (*a*) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(*b*) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate his assistants and other subordinates and to draft regulations governing the plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(*c*) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judical system to hear cases which in the opinion of the Plediscite Administrator have a serious bearing on the preparation for and the conduct of a free and impartial plebiscite.

(*d*) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

(*e*) The Administrator should have the right to communicate directly with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of

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India and Pakistan and with their representatives with the Commission. It would be his duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend in his opinion, to interfere with the freedom of the plebiscite

11. The Government of India should undertake to prevent, and to give full support to the Administrator and his staff in preventing, any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State releases all political prisoners and take all possible steps so that:

(*a*) All citizens of the State who have left it on account of disturbances are invited, and are free, to return to their homes and to evercise their rights as such citizens;

(*b*) There is no victimization;

(*c*) Minorities in all parts of the State are accorded adequate protection.

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15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

C. *General provisions*

16. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

The five members of the United Nations Commission for India and Pakistan were: CZECHOSLOVAKIA (nominated by India on 10 February 1948); BELGIUM and COLOMBIA (appointed by the Council on 23 April 1948—see the decision below); ARGENTINA (nominated by Pakistan on 30 April 1948); UNITED STATES AMERICA (designated the President of the Council on 7 May 1948, in the absence of agreement between Argentina and Czechoslovakia on the member to be designated by them).

Decision

At its 287th meeting, on 23 April 1948, the Council, pursuant to its resolution 47 (1948), apponinted Belgium and Colombia as the additional members of the United Nations Commission for a India and Pakistan.

Adopted by 7 votes to none, with 4 abstentions Belgium, Colombia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

(Source: Res. 47 (1948), DN Document no.726)

4. Resolution adopted at the 312th meeting in the Security Council on 3rd June 1948

The Security Council

1. Reaffirms its resolutions 38 (1948) of 17 January, 39

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(1948) of 20 January and 47 (1948) of 21 April 1948;

2. *Directs* the United Nations Commission for India and Pakistan to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by resolutioa 47 (1948);

3. *Directs* the Commission further to study and report to the Security Council when it considers it appropriate on the matters raised in the letter of the Foreign Minister of Pakistan, dated 15 January 1948, in the order outlined in paragraph D of Council resolution 39 (1948).

Adopted by 8 votes to none with 3 abstentions (China, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics).

(Res. 51 (1948); UN Document No. S/819)

5. Resolution adopted at the 470th meeting of the Security Council on 14 March 1950

The Security Council,

Having received and noted the reports of the United Nations Commission for India and Pakistan established by its resolutions 39 (1948) of 20 January and 47 (1948) of 21 April 1948.

Having also received and noted the report of General A.G.L. Mc Naughton on the outcome of his discussions with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949.

Commending the Governments of India and Pakistan for their statesman like action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and commending the parties in particular for their action in partially implementing these resolutions by (1) the cessation of hostilities effected 1 January, 1949, (2) the

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establishment of a cease-fire line on 27 July 1949, and (3) the agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator.

Considering that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expenditious determination of its future in accordance with the freely expressed will of the inhabitants.

1. *Calls upon* the Governments of India and Pakistan to make immediate arrangements, without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's proposal or of such modifications of those principles as may be mutually agreed;

2. *Decides* to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate:

(*a*) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization;

(*b*) To place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir;

(*c*) To exercise all of the powers and responsibilities devolving upon the United Nations Commission for India and Pakistan by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United

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Nations Commission of 13 August 1948 and 5 January 1949;

(*d*) The arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties;

(*e*) To report to the Security Council as he may consider necessary, submitting his conclusions and any recommendations which he may desire to make;

3. *Requests* the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed, and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;

4. *Extends its best thanks* to the members of the United Nations Commission for India and Pakistan and to General A.G.L. McNaughton for their arduous and fruitful labours;

5. *Agrees* that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above.

Adopted by 8 votes to none, with 2 abstentions (India Yugoslavia).

Source: UN Document no. S/1469; Res. 80 (1950)

6. Resolution adopted at the 539th Meeting of the Security Council on 30 March, 1951

The Security Council,

Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan, on his mission initiated by Security Council resolution 80 (1950) of 14 March 1950,

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Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 and have reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Observing that on 27 October 1950 the General Council of the "All Jammu and Kashmir National Conference" adopted a resolution recommending the convening of a constituent assembly for the purpose of determining the "future shape and affiliations of the State of Jammu and Kashmir"; observing further from statements of responsible authorities that action is proposed to convene such a constituent assembly and that the area from which such a constituent assembly would be elected is only a part of the whole territory of Jammu and Kashmir.

Remending the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Affirming that the convening of a constituent assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle.

Declaring its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt

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settlement of this dispute is of vital importance to the maintenance of international peace and security.

Observing from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were:

(*a*) The procedure for and the extent of demilitarization of the State preparatory to the holding of a plebiscite, and

(*b*) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite,

1. *Accepts*, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

2. *Decides* to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

3. *Instructs* the United Nations Representative to proceed to the subcontinent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

4. *Calls upon* the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;

5. *Instructs* the United Nations Representative to report to the Security Council within three months from the date of his arrival on the subcontinent; if, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he consider must be resolved to enable such demilitarization to be carrieds out;

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6. *Calls upon* the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above, such arbitration to be carried out by an arbitrator, or a panel or arbitrators, to be appinted by the President of the International Court of Justice after consultation with the parties;

7. *Decides* that the military observer group shall continue to supervise the cease-fire in the State;

8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement.

9. *Requests* the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution.

Adopted by 8 votes to none with 3 abstentions (India Union of Soviet Socialist Republics, Yugoslavia).

(Source: Res. 91 (1951); UN Document no. S/2017/Rev. 1)

7. Resolution Adopted at the 566th Meeting of the Security Council on 10 November 1951

The Security Council,

Having received and noted the report of Mr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by Security Council resolution 91 (1951) of 30 March 1951, and having heard Mr. Graham's address to the Council on 18 October 1951.

Noting with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United

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Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan.

1. *Notes with gratification* the declared agreement of the two parties to those parts of Mr. Graham's proposals which reaffirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance to the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations;

2. *Instructs* the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir;

3. *Calls upon* the parties to co-operate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference between them;

4. *Instructs* the United Nations Representative to report to the Security Council on his efforts. together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect.

Adopted by 9 votes to none, with 2 abstentions (India, Union of Soviet Socialist Republics)

(Source: Res. 96 (1951); UN Document no. S/2392).

8. Resolution Adopted at the 611 Meeting of the Security Council on 23 December 1952

The Security Council,

Recalling its resolution 91 (1951) of 30 March 1951, its decision of 30 April 1951 and its resolution 96 (1951) of 10 November 1951.

Further recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or

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Pakistan would be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

Having received the third report, dated 22 April 1952, and the fourth report, dated 16 September 1952, of the United Nations Representative for India and Pakistan.

1. *Endorses* the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan.

2. *Notes with gratification* that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;

3. *Notes* that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

4. *Urges* the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952, such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952;

5. *Records its gratitude* to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

6. *Requests* the Governments of India and Pakistan to

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report to the Security Council not later than thirty days from the date of the adoption of this resolution;

7. *Requests* the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress.

Adopted by 9 votes to none, with 1 abstention (Union of Soviet Socialist Republics)

(Source: Res. 98 (1952); UN Document no. S/2883).

9. Resolution Adopted at the 765 Meeting of the Security Council on 24 January 1957

The Security Council,

Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir.

Reminding the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948, 80 (1950) of 14 March 1950 and 91 (1951) of 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations.

1. *Reaffirms* the affirmation in its resolution 91 (1951) and declares that the convening of a constituent assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the assembly, would not constitute a disposition of the State in accordance with the above principle.

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2. *Decides* to continue its consideration of the dispute.

Adopted by 10 votes to none, with 1 abstention (Uniono Soviet Socialist Republics)

(Source: Res. 122 (1957); UN Document no. S/3779).

10. Resolution Adopted at the 774 Meeting of the Security Council on 21 February 1957

The Security Council,

Recalling its resolution 122 (1957) of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question.

1. *Requests* the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan; to visit the subcontinent for this purpose; and to report to the Security Council not later than 15 April 1957.

2. *Invites* the Governments of India and Pakistan to cooperate with him in the performance of those functions.

3. *Requests* the Security-General and the United Nations Representative for India and Pakistan to render such assistance as he may request.

Adopted by 10 votes to none, with 1 abstention (Union of Soviet Socialist Republics)

(Source: Res. 123 (1957); UN Document no. S/3793).

11. Resolution Adopted at the 808 Meeting of the Security Council on 2 December 1957

The Security Council,

Having received and noted with appreciation the report of Mr. Gunnar V. Jarring, the representative of Sweden, on the

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mission undertaken by him pursuant to its resolution 123 (1957) of 21 Feburary 1957.

Expressing its thanks to Mr. Jarring for the care and ability with which he has carried out his mission.

Observing with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution.

Observing further that the Governments of India and Pakistan recognize and accept the provisions of its resolution 38 (1948) of 17 January 1948 and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring felt it appropriate to explore what was impending their full implementation.

Concerned over the lack of progress towards a settlement of the dispute which his report manifests.

Considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement.

Recalling its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question.

1. *Requests* the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation, and to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

2. *Requests* the United Nations Representative for India and Pakistan to Make any recommendations to the parties for further appropriate action with a view to making progress towards the implementation of the resolutions of the United

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Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peacefull settlement.

3. *Authorizes* the United Nations Representative to visit the subcontinent for these purposes.

4. *Instructs* the United Nations Representative to report to the Security Council on his efforts as soon as possible.

Adopted by 10 votes to none, with 1 abstention (Union of Soviet Socialist Republics)

(Source: Res. 126 (1957); UN Document no. S/3922).

12. Resolution Adopted at the 1237th Meeting of the Security Council on 4 September 1965

The Security Council,

Noting the report of the Secretary-General of 3 September 1965.

Having heard the statements of the representatives of India and Pakistan.

Concerned at the deteriorating situation along the cease-fire line in Kashmir.

1. *Calls upon* the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire.

2. *Calls upon* the two Governments to respect to cease-fire line and have all armed personnel of each party withdrawn to its own side of the line.

3. *Calls upon* the two Governments to co-operate fully with the United Nations Military Observer Group in India and Pakistan (UNMOGIP) in its task of supervising the observance of the cease-fire;

4. *Requests* the Secretary-General to report to the Council within three days on the implementation of the present resolution.

Adopted unanimously

[Source: Security Council Resolution No. 209 (1965)]

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13. Resolution adopted at the 1238 meeting of the Security Council on 6 September 1965

The Security Council,

Noting the report of the Secretary-General on developments in the situation in Kashmir since the adoption of Security Council resolution 209 (1965) of 4 September 1965 calling for a cease-fire.

Noting with deep concern the extension of the fighting which adds immeasurably to the seriousness of the situation.

1. *Calls upon* the parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel to the positions held by them before 5 August 1965;

2. *Requests* the Secretary-General to exert every possible effort to give effect to the present resolution and to resolution 209 (1965), to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area;

3. *Decides* to keep this issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area.

Adopted unanimously

[(Source: Security Council Resolution No. 210 (1965)]

14. Resolution adopted at the 1242 meeting of the Security Council on 20 Septemebr 1965

The Security Council,

Having considered the reports of the Secretary-General on his consultations with the Governments of India and Pakistan.

Commending the Secretary-General for his unrelenting efforts in furtherance of the objectives of Security Council resolutions 209 (1965) and 210 (1965) of 4 and 6 September 1965.

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Having heard the statements of the representatives of India and Pakistan.

Noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General, but noting further with concern that no cease-fire has yet come into being.

Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and other related matters.

1. *Demands* that a cease-fire should take effect on Wednesday, 22 September 1965, at 0700 hours GMT, and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel to the positions held by them before 5 August 1965;

2. *Requests* the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel;

3. *Calls on* all State to refrain from any action which might aggravate the situation in the area;

4. *Decides* to consider, as soon as paragraph 1 of Council resolution 210 (1965) has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter of the United Nations, to this end;

5. *Requests* the Secretary-General to exert every possible effort to give effect to the present resolution, to seek a peaceful solution, and to report to the Security Council thereon.

Adopted by 10 votes to none, with 1 abstention (Jordan)

[Source: Security Council Resolution No. 211 (1965)]

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15. Resolution adopted at the 1245th meeting of the Security Council on 27 September 1965

The Security Council,

Noting the reports of the Secretary-General,

Reaffirming its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September and 211 (1965) of 20 September 1965.

Expressing its grave concern that the cease-fire agreed to unconditionally by the Governments of India and Pakistan is not holding,

Recalling that the cease-fire demand in the Council's resolutions was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan,

Demands that the parties urgently honour their commitments to the Council to observe the cease-fire, and further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of resolution 211 (1965).

[Source: Security Council Resolution No. 214 (1965)]

16. Resolution adopted at the 1251 meeting of the Security Council on 5 November 1965

The Security Council,

Regretting the delay in the full achievement of a complete and effective cease-fire and a prompt withdrawal of armed personnel to the positions held by them before 5 August 1965, as called for in its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September 1965,

1. *Reaffirms* its resolution 211 (1965) in all its parts;

2. *Requests* the Governments of India and Pakistan to co-operate towards a full implementation of paragraph 1 of resolution 211 (1965); calls upon them to instruct their armed personnel to co-operate with the United Nations and cease all

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military activity; and insists that there be an end to violations of the cease-fire;

3. *Demands* the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of India and Pakistan that their representives meet with a suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a meeting take place as soon as possible and that such a plan contain a time-limit on its implementation; and requests the Secretary-General to report on the progress achieved in this respect within three weeks of the adoption of the present resolution;

4. *Requests* the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution.

Adopted by 9 votes to none, with 2 abstentions (Jordan, Union of Soviet Socialist Republics).

[Source: Security Council Resolution no. 215 (1965)]

17. Resolution adopted at the 1621st meeting of the Security Council on 21 December 1971

The Security Council,

Having discussed the grave situation in the subcontinent, which remains a threat to international peace and security,

Noting General Assembly resolution 2793 (XXVI) of 7 December 1971,

Noting the reply of the Government of Pakistan on 9 December 1971,

Noting the reply of the Government of India on 12 December 1971,

Having heard the statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

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Noting further the statement made at the 1616th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theatre.

Noting Pakistan's agreement to the cease-fire in the western theatre with effect from 17 December 1971.

Noting that consequently a cease-fire and a cessation of hostilities prevail,

1. *Demands* that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan;

2. *Calls upon* all Member States to refrain from any action which may aggravate the situation in the subcontinent or endanger international peace;

3. *Calls upon* all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and sick, prisoners of war and civilian population;

4. *Calls for* international assistance in the relief of suffering and the rehablitation of refugees and their return in safety and dignity to their homes, and for full co-operation with the Secretary-General to that effect;

5. *Authorizes* the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems;

6. *Requests* the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the present resolution;

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7. *Decides* to remain seized of the matter and to keep it under active consideration.

Adopted by 13 votes to none, with 2 abstentions (Poland Union of Soviet Socialist Republics)

[Source: Security Council Resolution no. 307 (1971)]

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